

# Laws of the United States

RELATING TO

## Navigation and the Merchant Marine.

Part II of the Report of the Commissioner of Navigation  
to the Secretary of Commerce and Labor, 1903

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DEPARTMENT OF COMMERCE AND LABOR

*Bureau of Navigation*



# Laws of the United States Relating to Navigation and the Merchant Marine.

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DEPARTMENT OF COMMERCE AND LABOR,

BUREAU OF NAVIGATION,

*Washington, D. C., July 1, 1903.*

SIR. The edition of the Navigation Laws issued in 1899 has been exhausted. During the four years which have elapsed since its publication Congress has made many changes in the statutes comprised in the volume. Especially the act approved February 14, 1903, to establish the Department of Commerce and Labor, has transferred to that Department from the Treasury Department the branches of government principally employed in the administration of the laws relating to navigation and merchant shipping.

By section 10 of that act

“All duties, power, authority and jurisdiction, whether supervisory, appellate or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, shipping commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof,” have been transferred to and imposed and conferred upon the Secretary of Commerce and Labor.

By section 7 of that act jurisdiction, supervision, and control by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska and over the immigration of aliens into the United

States have been transferred and vested in the Department of Commerce and Labor, and authority, power, and jurisdiction exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States of Chinese and persons of Chinese descent have been transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power, and jurisdiction in relation thereto vested by law or treaty in the collectors of customs and the collectors of internal revenue, have been conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate.

These sections involve many and important changes in the relations of collectors and other officers of the customs to the Treasury Department and amend many sections of the Revised Statutes and subsequent acts of Congress. In some cases the transfer of duties from the Secretary of the Treasury to the Secretary of Commerce and Labor is not explicit, and in such instances the language of the statute before July 1, 1903, has been retained, with a marginal reference to the act of February 14, 1903, to indicate that the readjustment of duties is yet to be determined.

As in the editions of 1895 and 1899, the effort has been made to include in this volume only laws actually in force. Where sections of the Revised Statutes or other laws have been specifically repealed or amended by subsequent legislation, the repealed portions of the law are omitted and the present, not the original, reading of amended sections is adopted. In instances where the effect of repealing or amendatory acts upon previous legislation is not clear and specific both original and repealing or amendatory statutes have been incorporated or indicated.

The effort further has been made to confine the law included in this volume to the navigation law, meaning by that term the law relating to vessels, with which owners, masters and agents should be acquainted. The line between this law and the customs law is not always clearly defined. The laws directly relating to duties on imports and to invoices are not included in this volume, while those relating to entry, clearance, manifests, and transportation by water have been comprised within its limits.

The scheme of arrangement will appear from the Table of Contents. The law has been divided into large divisions by subjects, called parts, while these parts have been subdivided into headed paragraphs.

For further convenience of reference is published a Table of Laws, giving the sections of the Revised Statutes and subsequent laws which have been included in this compilation, the date of enactment and amendment, together with the page of this compilation on which they may be found. The Table of Laws may be found at the end of the volume, together with the usual Alphabetical Index. A marginal ref-

erence gives the number of the section of the Revised Statutes included in each paragraph, or the date and section of the act, if enacted subsequent to the Revised Statutes, with the date of amendatory acts which have been incorporated, if practicable, in the paragraph. Where reference is made in a paragraph to a title or chapter of the Revised Statutes, the numbers of the sections comprised in such title or chapter have been printed in brackets. Reference to the Table of Laws at the end of the volume will show which of those sections have been included in this volume as pertinent or in force, and will also show the page where they may be found. Fees payable by the masters and owners of vessels of the United States were in most instances abolished in 1886 and 1890, and accordingly the statutes imposing such fees are not retained in this compilation, though they furnish a basis on which officers are compensated from the Treasury for services

Respectfully,

EUGENE TYLER CHAMBERLAIN,  
*Commissioner.*

Hon. GEORGE B. CORTELYOU,  
*Secretary of Commerce and Labor.*



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### 1. *Definition of vessel*

The word "vessel" includes every description of water-craft or other artificial contrivance used or capable of being used as a means of transportation on water. R S, 8

### 2 *Vessels of the United States*

Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States [See also Qualification of officers, page 53.] R S, 4131  
May 26, 1896

No vessel which has been recorded or registered as an American vessel of the United States, pursuant to law, and which was licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, shall be deemed or registered as a vessel of the United States, or shall have the rights and privileges of vessels of the United States, except under provisions of law especially authorizing such registry. R S, 4135

### 3 *Registered vessels*

Vessels built within the United States, and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States, and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens, and no others, may be registered as directed in this title [R. S., 4131-4305]. R S, 4132

R S, 1136  
July 6, 1884  
Sec 2

The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

R S, 1165  
March 3, 1897  
Sec 10

A vessel registered pursuant to law, which by sale has become the property of a foreigner, shall be entitled to a new register upon afterwards becoming American property, unless it has been enlarged or undergone change in build outside of the United States.

#### 4 *Whaling vessels*

R S, 1339

All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries.

#### 5 *Enrolled and licensed vessels,*

R S, 4311

Vessels of twenty tons and upward, enrolled in pursuance of this Title [R. S., 4311–4390], and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting-trade or fisheries

R S, 4316

Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed, as if the same belonged to a citizen of the United States, subject to all the provisions of this Title [R. S., 4311–4390], except that, in such case, no oath shall be required that the boat belongs to a citizen of the United States.

R S, 1317

Such resident alien, owner of any steamboat, upon application for enrollment or license, shall give bond to the collector of the district, for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States.

R S., 4318

Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.



6. *Licensed vessels under twenty tons*

Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled, but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license.

R S, 4381.

7. *Undocumented vessels.*

The act [R S., 4311-4385] to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal boats or boats employed on the internal waters or canals of any State, and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress.

Apr 18, 1874.

The provisions of title fifty [R S., 4311-4390] of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels, built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory, nor shall this or any existing law be construed to require the enrolling, registering or licensing of any flat boat, barge or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States.

June 30, 1879  
June 19, 1886

Nothing in this Title [R S., 4311-4390] shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

R S, 4387

8 *Yachts,*

The Secretary of Commerce and Labor may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections forty-one hundred and thirty-three to forty-one hundred and thirty-five, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom house, such license shall be in such form as the

R S, 4214  
Feb 14, 1903  
Sec 10  
Mar 3, 1883  
Jan 16, 1886  
Sec 4

Feb 14, 1903  
Sec 10.

Secretary of Commerce and Labor may prescribe Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title [R. S., 4131-4305]

R S 4214  
Mar 3, 1883  
Jan 16, 1895  
Sec 4  
Sec 5

No licensed yacht shall engage in any trade, nor in any way violate the revenue laws of the United States; and every such yacht shall comply with the laws in all respects. Any master or owner violating the provisions of the preceding section shall be liable to the penalty of two hundred dollars, in addition to any other penalty imposed by law. The Secretary of Commerce and Labor shall have power to remit or mitigate any such penalty if in his opinion it was incurred without negligence or intention of fraud.

Feb 14, 1903  
Sec 10

R S , 4217

For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of Commerce and Labor, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

Feb 14, 1903  
Sec 10

R S , 4215

All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

R S , 4216

Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof or paying tonnage tax. *Provided*, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States, unless such ownership or charter was acquired prior to the passage of this Act. [See also Tonnage Tax, Paragraph, 155 ]

Feb 5, 1897

R.S , 4218

Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.

#### 9 Official number

R S , 4177  
July 5, 1884

The Commissioner of Navigation shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently

marked on her main beam, and if at any time she shall cease to be so marked, such vessel shall be liable to a fine of thirty dollars on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked.

June 19, 1886  
Sec 6

#### 10 *Name of vessel.*

The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast roman letters in light color on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than four inches. If any such vessel shall be found without these names being so marked the owner or owners shall be liable to a penalty of ten dollars for each name omitted. The word "port," as used in section forty-one hundred and seventy-eight shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

R S , 4178  
Feb 21, 1891  
Jan 20, 1897

Every steam vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length on each outer side of the pilot-house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheel-house; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

June 26, 1884  
Sec 21

R S , 4495  
Feb 21, 1891

#### 11. *Change of name.*

No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

R S , 4179

The Commissioner of Navigation shall, under the direction of the Secretary of Commerce and Labor, be empowered to change the names of vessels of the United States, under such restrictions as may have been or shall be prescribed by act of Congress.

July 5, 1884  
Secs 1, 2  
Sec 5  
Feb 14, 1903  
Sec 10

The Secretary of Commerce and Labor be, and hereby is, authorized to permit the owner or owners of any vessel duly enrolled and found seaworthy and free from debt to change the name of the same, when, in his opinion, there shall be sufficient cause for so doing. The Secretary of

Mar 2, 1881  
Secs 1, 2  
Feb 14, 1903,  
Sec 10

Mar 2, 1881  
Sec. 2

Commerce and Labor shall establish such rules and regulations and procure such evidence as to the age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Secretary, he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of register; and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name

### 12 *Draught*

Feb 21, 1891  
Sec 2  
Jan 20, 1897  
Sec 2

The draught of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draught to that line

## PART II—MEASUREMENT

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<p>13 Measurement</p> <p>14 Gross tonnage</p> <p>15 Deck houses, break-, etc</p> <p>16 Between decks</p> <p>17 Open vessels</p> <p>18 Water ballast</p> <p>19. Net tonnage</p>	<p>20 Crew accommodations</p> <p>21 Deductions for other purposes</p> <p>22 Deductions for propelling power</p> <p>23 Register tonnage</p> <p>24 Appendix of measurement</p> <p>25 Vessels exempt from measurement</p> <p>26. Measurement of foreign vessels</p>
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### 13 *Measurement.*

Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry. R S, 4118

The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this Title [R. S., 4131-4305], which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid. R S, 4149

The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner. The tonnage deck, in vessels having three or more decks to the hull, shall be the second deck from below, in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top R S, 4150

of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold, (average thickness,) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

R 8, 4151

No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

#### 14. *Gross tonnage*

R 9, 4153

The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows. Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern-timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs.

Class one. Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet into twelve equal parts

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts

Class six. Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor-timber, at the inside of the limber-strake, after deducting the average thickness of the ceiling, which is between the bilge-planks and limber-strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down to the lowest breadth; multiply the second and fourth by four, and the third by two, add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth, number them from above as before, multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh, multiply the quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space

under the tonnage-deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage-deck, shall be deemed to be the register tonnage of the vessel subject to the additions hereinafter mentioned.

#### 15. *Deck-houses, breaks, etc*

R S, 4153  
Mar 2, 1895  
Sec. 1 (h)

If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall be ascertained as follows and added to the gross tonnage:

R S 4153

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths; namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid. *Provided*, That nothing shall be added to the gross tonnage for any sheltered space above the upper deck which is under cover and open to the weather, that is, not inclosed.

Mar 2, 1895  
Sec 1 (h)

#### 16. *Between-decks*

R S 4153

If a vessel has a third deck, or spar deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage-deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two, to the sum of these products add the first and last breadths, multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean hori-



zontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

#### 17 *Open vessels*

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary-line of measurement, and the depth shall be taken from anathwartship line, extending from the upper edge of such strake at each division of the length. R S 4153

#### 18. *Water ballast*

In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by the collector to be not available for the carriage of cargo, stores, or fuel, then the depth of the vessel shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall for the purposes of measurement be deemed to represent the floor timber. Mar 2, 1895

#### 19. *Net tonnage*

From the gross tonnage of every vessel of the United States there shall be deducted— Aug 5, 1882

#### 20 *Crew accommodations*

(a) The tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel. Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. The provisions of this Act requiring a crew space of seventy-two cubic feet per man shall apply only to vessels the construction of which shall be begun after June thirtieth, eighteen hundred and ninety-five. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvia of cargo or bilge water; and failure to comply with this provision shall subject the owner to a penalty of five hundred dollars. Every place so occupied shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage; and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of fifty cents a day for each day during which any goods or stores as aforesaid are kept or stored in the place Mar 2, 1895

after complaint has been made to him by any two or more of the seamen so lodged. No deduction from tonnage as aforesaid shall be made unless there is permanently cut in a beam and over the doorway of every such place the number of men it is allowed to accommodate with these words, "certified to accommodate — seamen."

Mar 8, 1897  
Sec 2

Every place appropriated to the crew of a seagoing vessel of the United States, except a fishing vessel, yacht, a pilot boat, and all vessels under two hundred tons register, shall have a space of not less than seventy-two cubic feet and not less than twelve square feet measured on the deck or floor of that place for each seaman or apprentice lodged therein. *Provided*, That any such seagoing sailing vessel, built or rebuilt after June thirtieth, eighteen hundred and ninety-eight, shall have a space of not less than one hundred cubic feet and not less than sixteen square feet measured on the deck or floor of that space for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, heated and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water.

Fishing vessels, yachts, and pilot boats are hereby exempted from the provisions of section one of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five, entitled "An Act to amend section one of chapter three hundred and ninety-eight of the laws of eighteen hundred and eighty-two, entitled 'An Act to provide for deductions from the gross tonnage of vessels of the United States,'" so far as said section prescribes the amount of space which shall be appropriated to the crew and provides that said space shall be kept free from goods or stores not being the personal property of the crew in use during the voyage.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section so far as they shall be applicable thereto by providing sleeping room in the engine room of the steamboats properly protected from the cold, winds, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector-General of Steam Vessels, and shall be properly heated. Any failure to comply with this section shall subject the owner or owners to a penalty of five hundred dollars

#### 21. *Deductions for other purposes*

Mar 2, 1895

(b) Any space exclusively for the use of the master certified by the collector to be reasonable in extent and properly constructed, and the words "Certified for the accommodation of master" to be permanently cut in a beam and over the door of such space.

(c) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation and boatswain's stores, and the words "Certified for steering gear," or "Certified for boatswain's stores," or "Certified chart house," as the case may be, to be permanently cut in the beam and over the doorway of each of such spaces.

(d) The space occupied by the donkey engine and boiler, if connected with the main pumps of the ship.

(e) In the case of a ship propelled wholly by sails any space, not exceeding two and one-half per centum of the gross tonnage, used exclusively for storage of sails: *Provided*, That spaces deducted shall be certified by the collector to be reasonable in extent and properly and efficiently constructed for the purposes for which they are intended, and the words "Certified for storage of sails" to be cut on the beam and over the doorway of such space.

## 22 Deductions for propelling power

(f) In the case of a ship propelled by steam or other power requiring engine room, a deduction for the space occupied by the propelling power shall be made, as follows.

Mar 2, 1895

In ships propelled by paddle wheels in which the tonnage of the space occupied by and necessary for the proper working of the boilers and machinery is above twenty per centum and under thirty per centum of the gross tonnage, the deduction shall be thirty-seven per centum of the gross tonnage, and in ships propelled by screws in which the tonnage of the space is above thirteen per centum and under twenty per centum of the gross tonnage, the deduction shall be thirty-two per centum of the gross tonnage. In the case of screw steamers the contents of the trunk shaft shall be deemed spaces necessary for the proper working of the machinery.

(g) In the case of other vessels in which the actual space occupied by the propelling machinery amounts in the case of paddle vessels to twenty per centum or under and in the case of screw vessels to thirteen per centum or under of the gross tonnage of the ship, the deduction shall consist in the case of paddle vessels of once and a half the tonnage of the actual machinery space and in the case of screw vessels of once and three-fourths the tonnage of the actual machinery space. But if the actual machinery space is so large as to amount in the case of paddle vessels to thirty per centum or above, and in the case of screw vessels to twenty per centum or above of the gross tonnage of the ship, the deduction shall consist of thirty-seven per centum of the gross tonnage of the ship in the case of a paddle vessel and thirty-two per centum of the gross tonnage in the case of a screw vessel; or if the owner prefers there shall be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and

machinery, including the trunk shaft or any in screw steamers, with the addition in the case of vessels propelled with paddle wheels of fifty per centum, and in the case of vessels propelled by screws of seventy-five per centum of the tonnage of such space

(1) On a request in writing to the Commissioner of Navigation by the owners of a ship the tonnage of such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air and not required to be added to gross tonnage shall, for the purpose of ascertaining the tonnage of the space occupied by the propelling power, be added to the tonnage of the engine space; but it shall then be included in the gross tonnage; such space or spaces must be reasonable in extent, safe, and seaworthy, and can not be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

### 23. *Register tonnage*

Aug 5, 1882

And the proper deduction from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels.

R S, 1153

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other inclosed spaces above the deck, each separately.

Aug 5, 1882

The register or other official certificate of the tonnage or nationality of a vessel of the United States, in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel

But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered; but the same may be added to the outstanding document or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended.

R S 4153.  
June 19, 1886  
Sec 5.

In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued, and if the number at any time cease to be continued such vessel shall be subject to a fine of thirty dollars on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked.

Mar 2, 1896  
Sec 4  
Feb 14, 1903  
Sec 10  
Aug 5, 1882  
Sec 3

Under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations needful to give effect to the provisions of this Act. The Secretary of Commerce and Labor shall establish and promulgate a proper scale of fees to be paid for the read-

measurement of the spaces to be deducted from the gross tonnage of a vessel, on the basis of the last sentence of section forty-one hundred and eighty-six of the Revised Statutes, beginning with the words "But the charge for the measurement."

#### 24. *Appendix of measurement*

Upon application by the owner or master of an American vessel in foreign trade, collectors of customs, under regulations to be approved by the Secretary of Commerce and Labor, are authorized to attach to the register of such vessel an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are permitted to be deducted from gross tonnage by the rules of other nations and are not permitted by the laws of the United States.

Mar 2, 1895  
Feb 14, 1903  
Sec. 10

This Act shall not be construed to require the remeasurement of any American vessel duly measured before April first, eighteen hundred and ninety-five; but upon application by the owner of any such vessel collectors of customs shall cause such vessel, or the spaces to be deducted, to be measured according to the provisions of this Act, and if a new register is not issued the statement of such remeasurement shall be attached by an appendix to the outstanding register or enrollment with a certificate of the collector of customs that the original estimate of tonnage is amended pursuant to this Act.

Mar 2, 1895  
Sec 2

#### 25. *Vessels exempt from measurement*

The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided

R S , 4152

#### 26 *Measurement of foreign vessels.*

Whenever it is made to appear to the Secretary of Commerce and Labor that the rules concerning the measurement for tonnage of vessels of the United States have been substantially adopted by the government of any foreign country, he may direct that the vessels of such foreign country be deemed to be of the tonnage denoted in their certificates of register or other national papers, and thereupon it shall not be necessary for such vessels to be remeasured at any port in the United States; and when it shall be necessary to ascertain the tonnage of any vessel not a vessel of the United States, the said tonnage shall be ascertained in the manner provided by law for the measurement of vessels of the United States.

R S , 1154  
Aug 5, 1882  
Sec 2  
Feb. 14, 1903  
Sec 10

## PART III.—DOCUMENTS OF VESSELS

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<p>27 Carpenter's certificate</p> <p>28 Oath of owner</p> <p>29 Master's oath of citizenship</p> <p>30. Place of registry</p> <p>31. Form of register</p> <p>32 Custody and surrender of register</p> <p>33 Registers to corporations</p> <p>34 Change of owner</p> <p>35. Change of build</p> <p>36 Change of master</p> <p>37 Mortgage and bill of sale</p> <p>38 Sale to alien</p> <p>39 Loss of register</p> <p>40. Failure to deliver former register</p> <p>41 Cancellation of register</p> <p>42. Special registry law</p> <p>43. Change of trade.</p> <p>44. Method of enrollment and license</p> <p>45. Oath of master and owner</p>	<p>46. Fees</p> <p>47 Form of enrollment</p> <p>48 Form of license</p> <p>49 Duration of license.</p> <p>50 Surrender of license.</p> <p>51 Enrollment and license to corporations</p> <p>52 Change of owner</p> <p>53. Change of master</p> <p>54. Certification by customs officer</p> <p>55. Enrollment outside of district</p> <p>56. Special provisions for enrollment and license</p> <p>57 Inspection of enrollment and license</p> <p>58. Record of American-built vessels owned by aliens</p> <p>59. Offenses against the registry law</p> <p>60 Offenses against enrollment and license laws</p>
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### *27 Carpenter's certificate*

R S , 4117

In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

### *28 Oath of owner.*

R S , 4142

In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as

prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof, and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made. R S, 4143

#### 29. *Master's oath of citizenship*

If the master of a vessel is within the district where a registry thereof is to be made, when application is made for registering the same, he shall himself, instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of one thousand dollars. R S, 4144

#### 30. *Place of registry.*

Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection district which includes the port to which such vessel shall belong at the time of her registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides. R S, 4141

Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such R S, 4150.

vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

R S , 4160

Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who upon the requisites of this Title [R S., 4131-4305] in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void:

R S., 4161

Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title [R S., 4131-4305], such vessel ought to be deemed to belong, it shall be lawful for the collector of the district where such vessel may be, and he is hereby required upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof

R. S. , 4162.

Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this Title [R S., 4131-4305] in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forth-



with be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made.

R 5, 1163

### 31 *Form of register*

When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following.

R 8, 1155

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid)

Jan 16, 1895

having agreed to the description and measurement above specified, according to law, the said vessel has been duly registered at the port of (naming the port where registered) Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length)

R S , 4156

When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

R S , 4176

The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Commissioner of Navigation copies of all the certificates which shall have been granted by him, including the number of each

July 5, 1884  
Sec 2R S , 4157  
Feb 14, 1903  
Sec. 10

It shall be the duty of the Secretary of Commerce and Labor to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked.

R. S , 4158

Feb 14, 1903  
Sec 10.

The Secretary of Commerce and Labor shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Department of Commerce and Labor and the hand of the Commissioner of Navigation, with proper blanks, to be filled by the collectors, respectively, by whom also the certificates shall be signed and sealed, before they are issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Commissioner of Navigation, who shall cause a record to be kept of the same.

July 5, 1884

### 32 *Custody and surrender of register.*

R S , 4146

Jan 16, 1895  
Sec 2

A certificate of registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and in case the vessel so registered shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such vessel within any district of

the United States, to the collector of such district; and if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole, or any part or share of, or interest in such vessel, the same being within a district of the United States, the certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district. Any master or owner violating the provisions of this section shall be liable to a penalty of not exceeding five hundred dollars, and the certificate of registry shall be thenceforth void. The Secretary of Commerce and Labor shall have the power to remit or mitigate such penalty if in his opinion it was incurred without willful negligence or intention of fraud.

Feb 14, 1903  
Sec 10

### 33. *Registers to corporations*

Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company, and such register shall not be vacated or affected by sales of any shares of stock in such company.

R S, 4137

Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

R S, 4138

Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel.

R S, 4139  
June 24, 1902

### 34. *Change of owner*

Whenever it appears, by satisfactory proof, to the Commissioner of Navigation that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Commissioner may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions

R S, 4164  
July 5, 1884  
Sec 2

as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same.

R. S., 4100

When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States. *Provided*, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward

### 35 *Change of build*

R. S., 4170

Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Commissioner of Navigation, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate, otherwise the vessel shall be incapable of being so registered anew.

July 5, 1884  
Sec 2

### 36. *Change of master*

R. S., 4171

When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name, and if other than the collector of the district by whom the certificate of reg-

istry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates, and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Commissioner of Navigation. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of one hundred dollars.

July 5, 1884

Sec 2

### 37 *Mortgage and bill of sale*

No bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel, of the United States, shall be valid against any person other than the grantor or mortgagor, his heirs and devisees, and persons having actual notice thereof, unless such bill of sale, mortgage, hypothecation, or conveyance is recorded in the office of the collector of the customs where such vessel is registered or enrolled. The lien by bottomry on any vessel, created during her voyage, by a loan of money or materials necessary to repair or enable her to prosecute a voyage, shall not, however, lose its priority, or be in any way affected by the provisions of this section.

R S , 4192

The collectors of the customs shall record all such bills of sale, mortgages, hypothecations, or conveyances, and, also, all certificates for discharging and canceling any such conveyances, in books to be kept for that purpose, in the order of their reception; noting in such books, and also on the bill of sale, mortgage, hypothecation, or conveyance, the time when the same was received, and shall certify on the bill of sale, mortgage, hypothecation, or conveyance, or certificate of discharge or cancellation, the number of the book and page where recorded; but no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, shall be recorded, unless the same is duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds.

R S , 4193

June 19, 1886

The collectors of the customs shall keep an index of such records, inserting alphabetically the names of the vendor or mortgagor, and of the purchaser or mortgagee, and shall permit such index and books of records to be inspected during office hours, under such reasonable regulations as they may establish, and shall, when required, furnish to any person a certificate, setting forth the names of the owners of any vessel registered or enrolled, the parts or proportions owned by each, if inserted in the register or enrollment, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance upon such vessel, recorded since the issuing of the last register or enrollment, viz, the date, amount of such incumbrance, and from and to whom or in whose favor made.

R S , 4194

June 19, 1886

R S , 4195

The collectors of the customs shall furnish certified copies of such records, on the receipt of fifty cents for each bill of sale, mortgage, or other conveyance.

R S , 4196.

All bills of sale of vessels registered or enrolled, shall set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

### 38. *Sale to alien.*

R S , 4172

If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

### 39 *Loss of register*

R S , 4167

Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same, and upon such oath being made, and the other requisites of this Title [R. S., 4131-4305] in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

R. S. , 4168

Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of

such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of one hundred dollars, and the former register shall become null and void

#### 40 *Failure to deliver former register*

In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed, the owner of such vessel shall be liable to a penalty of five hundred dollars, to be recovered, with costs of suit.

R S, 4169

#### 41. *Cancellation of register*

Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Commissioner of Navigation to be canceled, who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district

R S, 4174

July 5, 1884

Sec 2

Whenever the master or owner of a vessel shall deliver up the register of such vessel, agreeably to the provisions of this Title [R. S., 4131-4305], if to the collector of the district where the same was granted, the collector shall thereupon cancel the bond which shall have been given at the time of granting such register, or if to the collector of any other district, such collector shall grant to the master, commander, or owner, a receipt or acknowledgment that such register has been delivered to him, and the time when, and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him. [NOTE —Bonds abolished January 16, 1895 This section applies only to outstanding bonds.]

R S, 4175

Jan 16, 1895

#### 42 *Special registry law*

The Secretary of Commerce and Labor is hereby authorized and directed to grant registers, as vessels of the United States, to such foreign-built steamships now engaged in freight and passenger business, and sailing in an established line from a port in the United States, as are of a tonnage of not less than eight thousand tons, and capable of a speed of not less than twenty knots per hour, according to the existing method of Government test for speed, of which not less than ninety per centum of the shares of the capital of the foreign corporation or association owning the same was owned January first, eighteen hundred and ninety, and has continued to be owned until the passage of this

May 10, 1892

Sec 1

Feb. 14, 1903

Sec 10

act by citizens of the United States, including as such citizens corporations created under the laws of any of the States thereof, upon the American owners of such majority interest obtaining a full and complete transfer and title to such steamships from the foreign corporations owning the same: *Provided*, That such American owners shall, subsequent to the date of this law, have built, or have contracted to build, in American shipyards, steamships of an aggregate tonnage of not less in amount than that of the steamships so admitted to registry. Each steamship so built or contracted for to be of a tonnage of not less than seven thousand tons.

May 10, 1892  
Sec 2  
Feb 14, 1903  
Sec 10

The Secretary of Commerce and Labor, on being satisfied that such steamships so acquired by American citizens, or by such corporation or corporations as above set forth, are such as come within the provisions of this act, and that the American owners of such steamships, for which an American registry is to be granted under the provisions hereof, have built or contracted to build in American shipyards steamships of an aggregate tonnage as set forth in the first section hereof, shall direct the bills of sale or transfer of the foreign-built steamships so acquired to be recorded in the office of the collector of customs of the proper collection district, and cause such steamships to be registered as vessels of the United States by said collector.

After which, each of such vessels shall be entitled to all the rights and privileges of a vessel of the United States, except that it shall not be employed in the coastwise trade of the United States.

May 10, 1892  
Sec. 3

No further or other inspection shall be required for the said steamship or steamships than is now required for foreign steamships carrying passengers under the existing laws of the United States, and a special certificate of inspection may be issued for each steamship registered under this act; and before issuing the registry to any such steamship as a vessel of the United States the collector of customs of the proper collection district shall cause such steamship to be measured and described in accordance with the laws of the United States, which measurement and description shall be recited in the certificate of registry to be issued under this act.

Sec 4

Any steamship so registered under the provisions of this act may be taken and used by the United States as cruisers or transports upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value at the time of taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, who, in case of disagreement, shall select a third, the award of any two of the three so chosen to be final and conclusive

[NOTE.—The application of this act was limited to the *New York* and *Paris*.]



**43** *Change of trade*

The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up. R S , 4322

When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Commissioner of Navigation; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of one hundred dollars. R S , 4323  
Jan 16, 1895  
July 5, 1884

**44** *Method of enrollment and license*

In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel, and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels. R S , 4312

**45.** *Oath of master and owner*

No licensed vessel shall be employed in any trade whereby the revenue laws of the United States shall be defrauded. The master of every such vessel shall swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessels be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong to grant a license. Any master or owner violating the provisions of this section shall be liable to the penalty of two hundred dollars, in addition to any other penalty imposed by law. The Secretary of Commerce and Labor shall have power to remit or mitigate any such penalty if in his opinion it was incurred without negligence or intention of fraud. R S , 4920  
Jan 16, 1895  
Sec 5.  
Feb 14, 1903  
Sec 10

46 *Fees*

R S, 1384  
June 19, 1886

All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto. [See paragraph 457.]

47. *Form of enrollment*

R S, 1319

The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following form: [“] Enrollment. In conformity to Title L, [R S 4311-4390] ‘REGULATION OF VESSELS IN DOMESTIC COMMERCE,’ of the Revised Statutes of the United States, (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,) having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she, and if more than one owner adding the words ‘together with,’ and the name or names, occupation or occupations, place or places of abode [,] of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said ship or vessel was (inserting here when and where) built, and (inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having certified that the said ship or vessel has (inserting here the number of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head), and the said (naming the owner or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement shall have been countersigned), having agreed to the description and measurement above specified, according to the said Title, the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length).”

Jan 16, 1895

48 *Form of license*

R S, 4921

The form of a license for carrying on the coasting-trade or fisheries shall be as follows.

“License for carrying on the (here insert ‘coasting trade,’ ‘whale-fishery,’ ‘mackerel-fishery,’ or ‘cod-fishery,’ as the case may be)

"In pursuance of Title L[R. S., 4311-4390], 'REGULATION OF VESSELS IN DOMESTIC COMMERCE,' of the Revised Statutes of the United States, (inserting here the name of the husband or managing owner, with his occupation and place of abode), and the name of the master, with the place of his abode, having [given bond] that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement') shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name,) to be employed in carrying on the (inserting here 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery', as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal at (naming the said district), this (inserting the particular day), day of (naming the month), in the year (specifying the number of the year in words at length)." [Bonds abolished Jan. 16, 1895.]

Jan 16, 1895

The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Commissioner of Navigation copies of the licenses which shall have been so granted by him, and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title [R. S., 4311-4390]. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name

R S., 4333,

July 5, 1884

#### 49. *Duration of license*

No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

R S., 4324

#### 50. *Surrender of license.*

The license granted to any vessel shall be given up to the collector of the district who may have granted the same, within three days after the expiration of the time

R S., 4325

for which it was granted, in case such vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterward, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect or refuse to deliver up the license, he shall be liable to a penalty of fifty dollars.

R. S., 4326

If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title [R. S., 4311–4390], and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it cannot be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

R. S., 4327

The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with.

#### 51 *Enrollment and license to corporations.*

R. S., 4313.

Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

R. S., 4314

June 24, 1902

Previous to granting enrollment and license for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel.

P. S., 4315

Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any steamboat or vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

**52** *Change of owner*

Whenever it appears, by satisfactory proof, to the Commissioner of Navigation that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Commissioner may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same.

R S, 1329.  
July 5, 1884

**53** *Change of master*

Whenever the master of any licensed vessel, ferry-boats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as herein required, such vessel, if found carrying on the coasting-trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of ten dollars.

R S, 4385

**54** *Certification by customs officer*

In every case where the collector is by this Title [R S, 4311-4390] directed to grant any enrollment, license, certificate, permit or other document, the naval officer residing at the port, if there be one, shall sign the same; and every surveyor who certifies a manifest, or grants any permit or who receives any certified manifest, or any permit, as is provided for in this Title, shall make return thereof, monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides.

R S, 4332

**55** *Enrollment outside of district*

Whenever it becomes necessary for the owner of any vessel of the United States navigating the waters of the United States, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is as

R S, 4328  
Apr 17, 1874

Jan 16, 1895

are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon duly enroll the vessel and issue license in the same form as if the application had originally been made in his office, and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel.

**56. *Special provisions for enrollment and license.***

R S., 4340

The assistant collector at Jersey City may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey

R S., 4341

The assistant collector for the port of Camden, in New Jersey, may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's Creek, in the county of Salem, in the State of New Jersey.

R S., 4342

The owners of vessels residing on New River, in Onslow County, in the State of North Carolina, shall have the privilege of taking out registers or enrollments and licenses at Wilmington, in that State, and the collector of that district may grant the same on the conditions required by law.

R S., 4343

The deputy collector who may be appointed to reside at Chesapeake City, in Maryland, shall have power to grant enrollments and licenses to vessels

R S., 4344  
Feb 14, 1903  
Sec 10

The Secretary of Commerce and Labor may authorize the surveyor of any port of delivery, under such regulations as he shall deem necessary, to enroll and license vessels to be employed in the coasting-trade and fisheries, in like manner as collectors of ports of entry are authorized to do.

R S., 4345

The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale-fisheries, under such restrictions and regulations as the Secretary of Commerce and Labor may deem necessary.

Feb 14, 1903  
Sec 10

R S., 4346

Any surveyor who shall perform the duties directed to be performed by the two preceding sections shall be entitled to receive the same commissions and fees as are allowed by law to collectors, for performing the same duties

57 *Inspection of enrollment and license*

Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of one hundred dollars. R S., 4336

58 *Record of American-built vessels owned by aliens*

Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose R S., 4180

The collector shall cause the vessel so built to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained. R S., 4181

A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII [R. S., 4181-4305], "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, I, (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here

the name of the master) is, at present, master, was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year), and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measures (inserting here the number of tons). And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year).” Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Commissioner of Navigation to be recorded in his office.

July 5, 1884

R. S., 1183

Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Commissioner of Navigation; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this Title [R. S., §131-4305].

July 5, 1884

R. S., 4184

The master or other person having the command or charge of any vessel, recorded in pursuance of this Title [R. S., §131-4305], shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

#### 59 *Offenses against the registry law.*

R. S., 4187

Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title [R. S., §131-



305], or who designedly takes any other or greater fees than are by this Title allowed, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto, and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or naval officer a false description of such vessel, to be registered or recorded, shall be punishable by a fine of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

If any person authorized and required by this Title [R. S., 4181-4305] to perform, as an officer, any act or thing, willfully neglects to do or perform the same, according to the true intent and meaning of this Title, he shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of five hundred dollars for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, on any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or their custom-house documents.

Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall henceforth be incapable of holding any office of trust or profit under the authority of the United States.

#### *O. Offenses against enrollment and license laws.*

Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this Title [R. S., 4311-4390], or takes any other or greater fees than are by this Title allowed, or receives for any service performed pursuant to this Title, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or naval officer

a false description of any vessel, to be enrolled or licensed, in pursuance of this Title, shall be liable to a penalty of five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

R. S., 4374.

Every person, authorized and required by this Title [R. S., 4311–4390] to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this Title, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of five hundred dollars for the first offense, and of a like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

R. S., 4375

Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this Title [R. S., 4311–4390], to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of five hundred dollars.

R. S., 4376

Every person who assaults, resists, obstructs, or hinders any officer in the execution of any act or law relating to the enrollment, registry, or licensing of vessels, or of this Title [R. S., 4311–4390], or of any of the powers or authorities vested in him by any such act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of five hundred dollars.

## PART IV.—OFFICERS OF MERCHANT VESSELS.

- |                             |                                     |
|-----------------------------|-------------------------------------|
| 61. Citizenship of officers | 67. Engineer's license              |
| 62. Duration of licenses    | 68. Pilot's license                 |
| 63. Service during war      | 69. Master or mate acting as pilot. |
| 64. Officer's license       | 70. Oath of officer                 |
| 65. Master's license        | 71. Removal of master               |
| 66. Mate's license.         |                                     |

### 61. *Citizenship of officers*

All the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. R S., 4181

The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam, and after the first day of January, eighteen hundred and ninety-seven, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed. May 28, 1896  
Sec 1

In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer. June 26, 1884  
Sec 1  
  
May 28, 1896  
Sec 3

### 62. *Duration of licenses*

All licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years at any time before its expiration: *Provided, however,* That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for one renewal and transmit the same to the board of local inspectors with a statement of the applicant verified before a consul, or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same for one addi- May 28, 1896  
Sec. 2,

tional term of such license, and shall notify the applicant of such renewal. And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors [of steam vessels] as provided for in section forty-four hundred and fifty of the Revised Statutes, or before the supervising inspector as provided for in section forty-four hundred and fifty-two of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf.

#### 63. *Service during war.*

May 28, 1896  
Sec. 2

No master, mate, pilot, or engineer of steam vessels licensed under title fifty-two [R. S. 4399-4500] of the Revised Statutes shall be liable to draft in time of war, except for the performance of duties such as required by his license; and, while performing such duties in the service of the United States, every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services, and, if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy, under the pension laws of the United States.

#### 64. *Officer's license*

R S, 4438  
Dec 21, 1898

The boards of local inspectors [of steam vessels] shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over seven hundred tons and all other vessels and barges of over one hundred tons burden carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or as master or chief mate of any sail vessel of over seven hundred tons who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense.

R S 4446

Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

#### 65. *Master's license*

R S 4439  
Dec 21, 1898  
Sec. 2

Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over seven hundred tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as

well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this title [R. S., 4399-4500] applicable to him.

#### 66 *Mate's license*

Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers, or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act, but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this title [R. S. 4399-4500]

R S 4410  
Dec 21, 1898.  
Sec 3

#### 67. *Engineer's license*

Whenever any person applies for authority to perform the duties of engineer of any steam-vessel, the inspectors shall examine the applicant as to his knowledge of steam-machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, in which they shall assign him to the appropriate class of engineers, but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of

R S, 4441

May 28, 1890

any provision of this Title [R. S., 4399-4500]. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor.

#### 68 *Pilot's license.*

R S., 4412

May 28, 1896.

Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this Title [R. S., 4399-4500]

#### 69 *Master or mate acting as pilot*

R S., 4413

Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

#### 70. *Oath of officer*

R S., 4445

Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Mar. 23, 1900

Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title [R. S. 4399-4500] shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury.

Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspect-

ors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for a term not exceeding three years

**71** *Removal of master*

Any person or body corporate having more than one-half ownership of any vessel shall have the power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the ninth day of April, eighteen hundred and seventy-two. R S, 4250

## PART V—MERCHANT SEAMEN.

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| <p>72. Definitions.</p> <p>73. Exemption from militia duty</p> <p>74. Naturalization and citizenship of seamen</p> <p>75. Shipping officers</p> <p>76. Illegal shipments</p> <p>77. Owners or masters may ship seamen in certain cases</p> <p>78. Apprentices</p> <p>79. Agreement to ship in foreign trade</p> <p>80. Period of engagement</p> <p>81. Penalty of shipment without agreement</p> <p>82. Undermanning</p> <p>83. Shipment in foreign ports before consuls</p> <p>84. Crew list</p> <p>85. Failure to produce crew</p> <p>86. Papers relating to crew</p> <p>87. Shipment of seamen in the coasting or near-by foreign trade</p> <p>88. Agreement in coasting trade not before commissioner</p> <p>89. Agreement with fishermen</p> <p>90. Discharge in foreign trade</p> <p>91. Discharge in foreign ports</p> | <p>92. Wages</p> <p>93. Vessels exempt from libel for wages</p> <p>94. Advances and allotments of wages</p> <p>95. Wages and clothing exempt from attachment</p> <p>96. Desertion of seamen abroad</p> <p>97. Desertion of foreign seamen in the United States</p> <p>98. Arbitration before shipping commissioner</p> <p>99. Soliciting lodgers</p> <p>100. Return of seamen from foreign ports and Alaska</p> <p>101. Effects of deceased seamen</p> <p>102. Offenses and punishments</p> <p>103. Corporal punishment prohibited</p> <p>104. Procedure</p> <p>105. Form of articles of agreement</p> <p>106. Account of apprentices</p> <p>107. Scale of provisions</p> <p>108. Certificate of discharge.</p> <p>109. Sick and disabled seamen</p> <p>110. Jurisdiction over American seamen in foreign ports and foreign seamen in American ports</p> <p>111. Seamen's witness fees</p> |
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### 72. Definitions

R S, 4612

In the construction of this Title [R. S., 4501-4613], every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof, and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman," and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

### 73. Exemption from militia duty

Jan. 26, 1908  
Sec 2

Pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.



74 *Naturalization and citizenship of seamen*

Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding, but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen

R S , 2174

The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say. "I, A. B , collector of the district of D., do hereby certify, that E. F., an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law, and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this ——— day of ——— " It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced.

R S , 4588

June 19, 1886

The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State [together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place].

R S , 4591

75 *Shipping officers*

The general duties of a shipping-commissioner shall be:

R S , 4593

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law

R S, 4503

In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-houses shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title [R. S., 4501-4613]

R S, 4595

Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title [R. S., 4501-4613], shall, for every such offense, be liable to a penalty of not more than two hundred dollars. [Fees payable by individuals abolished June 19, 1886.]

June 19, 1886

#### 76. *Illegal shipments.*

R S, 4523

All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

R S, 4504.

Any person other than a commissioner under this Title [R. S., 4501-4613], who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars.

#### 77. *Owners or masters may ship seamen in certain cases.*

R S, 4504

Nothing in this Title [R. S., 4501-4613], however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

78. *Apprentices*

Every shipping-commissioner appointed under this Title [R. S. , 4501-4613] shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships, but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him

R S , 4509

The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement, which shall be in the form, as near as may be, given in the table marked "A" in the schedule annexed to this Title [R. S. , 4501-4613]; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

R S , 4510

79. *Agreement to ship in foreign trade*

The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned, and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title [R. S. , 4501-4613], and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seamen signs the same, and shall contain the following particulars.

R S , 4511

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Mar 3, 1897  
Sec 19

Seventh. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of Commerce and Labor not contrary to or not otherwise provided for by law, which the parties agree to adopt

Feb 14, 1902  
Sec 10

June 26, 1884  
Sec 10

Eighth. Any stipulations in reference to allotment of wages, or other matters not contrary to law [Repealed so far as relates to allotments in trade between the United States, Dominion of Canada, Newfoundland, the West Indies and Mexico, and coasting trade of the United States, except between Atlantic and Pacific ports, by sec. 25 of Act of December 21, 1898.]

Dec 21, 1898  
Sec 25

R S., 4512

The following rules shall be observed with respect to agreements:

First. Every agreement except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form

“State of ———, County of ———.

“On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned.”

R S., 4513

Section 4511 shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels

that touch at foreign ports, but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner.

Feb 18, 1895

June 19, 1886.

[NOTE.—Section 4511, however, does apply in part to masters of coastwise vessels whose crews are shipped under provisions of the act of February 18, 1895.]

The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

R S, 4519

#### 80 *Period of engagement*

A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

June 26, 1884  
Sec. 19

#### 81. *Penalty for shipment without agreement,*

If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

R S, 4514

If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant-vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title [R. S., 4501-4613], the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

R. S., 4515.

82. *Undermannin*

R S, 4516  
Dec 21, 1898  
Sec 1

In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections [This section shall not apply to fishing or whaling vessels or yachts, Dec. 21, 1898, sec. 26.]

83 *Shipment in foreign ports before consuls*

R S, 4517

Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence, and the rules governing the engagement of seamen before a shipping-commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

R S, 4518

Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable

June 26, 1884  
Sec. 20

Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination, and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged [or to give bond, as required by section forty-five hundred and seventy-six of the Revised Statutes, to produce said seamen before a boarding officer on the return of said vessel to the United States.]

March 3, 1897  
Sec. 3

84. *Crew list.*

R S, 4573

Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as

far as he can ascertain them; and the collector shall deliver June 19, 1886  
him a certified copy thereof

In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title [R. S., 4501-4613] R S, 4574

*85 Failure to produce crew*

The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector, and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of four hundred dollars, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector.

R S, 4576  
Mar 3, 1897.  
Sec 3

*86. Papers relating to crew.*

The following rules shall be observed with reference to vessels bound on any foreign voyage. R S, 4575

First. The duplicate list of the ship's company, required

to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of Commerce and Labor and to the United States attorney in his district.

Feb 14, 1903  
Sec 10

#### 87 *Shipment of seamen in the coasting or near-by foreign trade*

June 9, 1874  
June 19, 1886  
Feb 18, 1895.

None of the provisions of an act entitled "An act to authorize the appointment of shipping commissioners" by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen" shall apply to sail or steam vessels engaged in the coastwise trade, (except the coastwise trade between the Atlantic and Pacific coasts,) or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where



the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage.

Shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section forty-six hundred and twelve of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

June 19, 1886  
Sec 2

When a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section two of an Act approved June nineteenth, eighteen hundred and eighty-six, entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by Sections four thousand five hundred and eleven and four thousand five hundred and twelve of the Revised Statutes, not however including the sixth and eighth items of Section four thousand five hundred and eleven; and such agreement shall be posted as provided in Section four thousand five hundred and nineteen, and such seamen shall be discharged and receive their wages as provided by the first clause of Section four thousand five hundred and twenty-nine and also by Sections four thousand five hundred and twenty-six, four thousand five hundred and twenty-seven, four thousand five hundred and twenty-eight, four thousand five hundred and thirty, four thousand five hundred and thirty-five, four thousand five hundred and thirty-six, four thousand five hundred and forty-two, four thousand five hundred and forty-three, four thousand five hundred and forty-four, four thousand five hundred and forty-five, four thousand five hundred and forty-six, four thousand five hundred and forty-seven, four thousand five hundred and forty-nine, four thousand five hundred and fifty, four thousand five hundred and fifty-one, four thousand five hundred and fifty-two, four thousand five hundred and fifty-three, four thousand five hundred and fifty-four and four thousand six hundred and two of the Revised Statutes; but in all other respects such shipment of seamen and such shipping agreement shall be regarded as if both shipment and agreement had been entered into between the master of a vessel and a seaman without going before a shipping commissioner.

Feb 18, 1895

Mar 3, 1897  
Sec 8  
Dec 21, 1898  
Sec 25

Mar 3, 1897  
Sec 8

### 88 *Agreement in coasting trade not before commissioner*

Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any

R S, 4520

other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

R S, 4521

If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage, or if not, then for such time as he shall continue to do duty on board such vessel, and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title [R. S., 4501-4613].

R S, 4522  
Dec 21, 1898.  
Sec 2

At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned. [This section shall not apply to fishing or whaling vessels or yachts, Dec. 21, 1898, Sec. 26.]

#### 89. *Agreement with fishermen*

R. S., 4391.

The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel-fishery, bound from a port of the United States to be employed in any

such fishery, at sea, shall, before proceeding on such fishing-voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing-season, and shall also express that the fish or the proceeds of such fishing-voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing-vessel or his agent.

If any fisherman, having engaged himself for a voyage or for the fishing season in any fishing-vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing-voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing-voyage refuses or neglects his proper duty on board the fishing-vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hindrance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

R S, 4392

Whenever an agreement or contract is so made and signed for a fishing-voyage or for the fishing-season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mainers in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his

R S, 4393

account of general supplies made for such fishing-voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

R S., 4394

When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof

90. *Discharge in foreign trade.*

R S., 4519

All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title [R. S., 4501-4613], except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars

R S., 4550

Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment

R. S., 4551

Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the

time and place of his discharge, in the form marked Table B in the schedule annexed to this Title [R. S., 4501-4613]; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection district, where no shipping commissioner has been appointed, he may perform for himself the duties of such commissioner.

#### 91 *Discharge in foreign ports*

Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman, but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this act.

R. S., 4580  
June 26, 1884.  
Sec 2

If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

R. S., 4581  
Dec 21, 1898  
Sec 16

Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the

R. S., 4582  
Dec 21, 1898.  
Sec 17

expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to fine of not exceeding fifty dollars.

R S, 4588  
Der 21, 1898  
Sec 18

Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman.

## 92. *Wages.*

R S, 4636

No seaman shall, by any agreement other than is provided by this Title [R. S., 4501-4613], forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

R S, 4552

The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seaman assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the

same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title [R. S., 4501-4613], a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

R. S., 4553

A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens

R. S., 4524

No right to wages shall be dependent on the earning of freight by the vessel, but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

R. S., 4525

In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections forty-five hundred and seventy-seven, forty-five hundred and seventy-eight, and forty-five hundred and seventy-nine of the Revised Statutes of the United States. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R. S., 4520  
Dec 21, 1898,  
Sec 3

R S , 1527

Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

R S , 4528

No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

R S , 4529  
Dec 21, 1898  
Sec 4

The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he shipped, or at the time such seaman is discharged, whichever first happens; and in the case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to one day's pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S , 4530  
Dec 21, 1898  
Sec. 5

Every seaman on a vessel of the United States shall be entitled to receive from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has commenced, shall load or deliver cargo before the voyage is ended unless the contrary be expressly stipulated in the contract; and when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him as provided in section forty-five hundred and twenty-nine of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R. S. , 4546.

Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title [R. S., 4501-4613],



or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a district court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

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If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed one hundred dollars the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section forty-five hundred and twenty-nine of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S, 4547  
Dec 21, 1898  
Sec 6

Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever any contract to the contrary notwithstanding

R S, 4548

Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect

R S, 4603

to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding

R. S. , 1605

Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment

### 93 *Vessels exempt from libel for wages*

R. S. , 4251

No canal-boat, without masts or steam power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same.

### 94. *Advances and allotments of wages*

Dec 21, 1898  
Sec 21

(a) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person. Any person paying such advance wages shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of the wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages shall in no case, excepting as herein provided, absolve the vessel or the master or owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than one hundred dollars.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grand parents, parents, wife, sister, or children. But no allotment whatever shall be allowed in the trade between the ports of the United States (except as provided in subdivision c of this section) or in trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies and Mexico.

(c) It shall be lawful for any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or vice versa, or in a vessel engaged in foreign trade, except trade between the United States and the Dominion

of Canada or Newfoundland or the West Indies or the Republic of Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary of Commerce and Labor, not exceeding one month's wages, to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement

Feb 14, 1903  
Sec 10

(d) No allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

(e) No allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation as above described of a seaman under this section or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section shall for every such offense be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, at the discretion of the court

(f) This section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation. *Provided*, That treaties in force between the United States and foreign nations do not conflict

(g) Under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

Feb 14, 1903  
Sec 10

#### 95. *Wages and clothing exempt from attachment*

No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon, and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title [R. S., 4501-4613].

R S, 4536

The clothing of any seaman shall be exempt from attachment, and any person who shall detain such clothing when

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demand by the owner shall be liable to a penalty of not exceeding one hundred dollars.

R S, 4587

No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

#### 96 *Desertion of seamen abroad*

R S, 4600  
June 26, 1884  
Sec 6  
Dec 21, 1898  
Sec. 21

It shall be the duty of all consular officers to reclaim deserters, discountenance insubordination by every means in their power, and, where the local authorities can be successfully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section forty-five hundred and eighty-three of the Revised Statutes; and the officer discharging such seamen shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner.

#### 97. *Desertion of foreign seamen in the United States*

R S, 5280

On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice-consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect.

98. *Arbitration before shipping-commissioner*

Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him, and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof. R S , 4561

In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner, under the provisions of this Title [R. S., 4501-4613], such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court R S , 1555

99. *Soliciting lodgers*

If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months. R S , 1607

100. *Return of seamen from foreign ports, Alaska, and insular ports*

It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. R S , 1577

Feb 9, 1903.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, and the Philippine Islands, or so much thereof as may be necessary, thirty thousand dollars.

R. S. 4578  
June 26, 1884  
Sec 9

All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer, when the transportation is by a sailing vessel; and the regular steerage passenger rate not to exceed two cents per mile when the transportation is by steamer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Comptroller of the Treasury shall deem proper. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage, or to take any seaman having a contagious disease.

June 19, 1886,  
Sec 18

R S, 4579

Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller of the Treasury

#### 101 *Effects of deceased seamen.*

R S, 4588

Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be

attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom

In cases embraced by the preceding section, the following rules shall be observed. R S, 4539

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No

officer of customs shall clear any foreign-going vessel without the production of such certificate.

R S, 4540

Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

R S, 4511  
Mar 3, 1897  
Sec 4

Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title [R. S., 4501-4613], and shall quarterly remit to the circuit court for the circuit embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands, and shall render such accounts thereof as the circuit court requires.

R S, 4542

Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged, or where he died.

Mar. 3, 1897  
Sec 6

R. S., 4548

Every shipping-commissioner in the United States shall, within one week from the date of receiving any such



money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects, and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects

If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

R S, 1541

A circuit court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

R S, 1545  
Mar 3, 1877  
Sec 7

102. *Offenses and punishments*

R S, 4506  
Dec 21, 1898  
Sec 19

The words "domestic trade" in this section shall include trade between ports of the United States and trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico. The words "foreign trade" shall include trade between ports of the United States and foreign ports, except as above specified, and trade between Atlantic and Pacific ports of the United States. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punishable as follows:

First. For desertion, if the offense occur at a port of the United States, or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned. If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned; and also, at the discretion of the court, by imprisonment for not more than one month.

Second. For neglecting or refusing, without reasonable cause, to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Third. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobe-

ence shall cease, and upon arrival in port, if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

Sixth For assaulting any master or mate, in whatever trade engaged, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, in whatever trade engaged, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Eighth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, in whatever trade engaged, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months.

Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

All clothes, effects, and wages which, under the provisions of this Title [R. S., 4501-4613], are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the circuit court within one month

R S, 4597.  
Dec 21, 1898  
see 20

R S, 4604

after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

R S, 4602

Any master of, or any seaman or apprentice belonging to, any merchant vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel, or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

R S, 4605

No seaman in the merchant-service shall wear any sheath-knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of Commerce and Labor, one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

Feb 14, 1901  
Sec 10

### 103 Corporal punishment prohibited

R S, 4611  
Dec 21, 1898  
Sec. 22

Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure upon the part of such master to comply herewith, which failure shall result in the escape of such

officer, shall render said master liable in damages to the person illegally punished by such officer.

#### 104 *Procedure*

All penalties and forfeitures imposed by this Title [R S , 4501-4613], for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs, and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of United States, and appropriated as provided for in section forty-five hundred and forty-five *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount. *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

#### TABLE A.

#### 105 *Form of articles of agreement*

##### UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping-office.) R S , 4612.

It is agreed between the master and seamen or mariners of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_, (here the voyage is to be described, and the places named at which



106. *Account of apprentices on board.*

Christian and surname of apprentice in full	Date of registry of indenture	Port at which indenture was registered	Date of register of assignment	Port at which assignment was registered

R S, 4612

107 *Scale of provisions to be allowed and served out to the crew during the voyage*

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Water . . .	quarts 4	4	4	4	4	4	4
Biscuit . . .	pound 4	4	4	4	4	4	4
Beef, salt . .	pounds 1½	1½	1½	1½	1½	1½	1½
Pork, salt. . .	pound 1	1	1	1	1	1	1
Flour . . .	pound 1	1	1	1	1	1	1
Canned meat .	pound 1	1	1	1	1	1	1
Fresh bread .	pounds 1½	1½	1½	1½	1½	1½	1½
Fish, dry, preserved, or fresh	pound 1	1	1	1	1	1	1
Potatoes or yams	pound 1	1	1	1	1	1	1
Canned tomatoes	pound 1	1	1	1	1	1	1
Pease . . .	pint 1	1	1	1	1	1	1
Beans . . .	pint 1	1	1	1	1	1	1
Rice . . .	pint 1	1	1	1	1	1	1
Coffee (green berry) . .	ounce 3	3	3	3	3	3	3
Tea . . .	ounce 1	1	1	1	1	1	1
Sugar . . .	ounces 3	3	3	3	3	3	3
Molasses . . .	pint 1	1	1	1	1	1	1
Dried fruit . . . . .	ounces 3	3	3	3	3	3	3
Pickles . . .	pint 1	1	1	1	1	1	1
Vinegar . . .	pint 1	1	1	1	1	1	1
Corn meal . . .	ounces 4	4	4	4	4	4	4
Onions . . .	ounces 4	4	4	4	4	4	4
Lard . . .	ounce 1	1	1	1	1	1	1
Butter . . .	ounce 1	1	1	1	1	1	1
Mustard, pepper, and salt sufficient for seasoning							

R S, 4612  
Dec 21, 1888  
Sec 23

## SUBSTITUTES

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice, six ounces of canned vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit, one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of corn meal, two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one-and-one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat, one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions. The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the fore-castle of each vessel. [Fishing or whaling vessels or yachts exempt, December 21, 1898, sec. 26.]

TABLE B.

108. *Certificate of discharge*

R S, 4612

Name and official number of ship	Port of registry	Tonnage	Description of voyage or employment	Name of seaman	Place of birth	Date of birth	Character	Declines to give statement of character	Capacity	Date of entry	Date of discharge	Place of discharge

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly

Dated — day of —, eighteen hundred and —.

(Signed) —, Master.

(Countersigned) —, Seaman.

Given to the above-named seaman in my presence this — day of —, eighteen hundred and —.

(Signed) —,

Shipping-Commissioner.

109 *Sick and disabled seamen*

R S, 4801

The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

June 20, 1884  
Sec. 15

The expense of maintaining the Marine Hospital Service shall hereafter be borne by the United States out of the receipts for duties on tonnage provided for by this act; and so much thereof as may be necessary, is hereby appropriated for that purpose.



The term "seaman," wherever employed in legislation relating to the marine-hospital service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

Mar 3, 1875  
Sec 3

No person employed in or connected with the navigation, management, or use of canal-boats engaged in the coasting-trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund.

R S, 4804

Sick and disabled seamen of foreign vessels and of vessels [not subject to hospital-dues] may be cared for by the marine-hospital service at such rates and under such regulations as the Secretary of the Treasury may prescribe

Mar 3, 1875  
Sec 6  
June 26, 1884  
Sec 15

Sick foreign seamen may be admitted to the marine hospitals within the United States, if it can with convenience be done, on the application of the master of any foreign vessel to which any such seaman may belong. Each seaman so admitted shall be subject to a charge of [seventy-five cents] per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the collector of the collection-district in which such hospital is situated. And the collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the collector.

R S, 4805

Mar 3, 1875  
Sec 6

Insane patients of said [marine hospital] service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority; and the charge for each such patient shall not exceed four dollars and fifty cents a week, which charge shall be paid out of the marine-hospital fund.

Mar 3, 1875  
Sec. 6

The privilege of admission to and temporary treatment in the marine hospitals under the control of the Government of the United States be, and is hereby, extended to the keepers and crews of the Life-Saving Service under the same rules and regulations as those governing sailors and seamen, and for the purposes of this Act members of the Life-Saving Service shall be received in said hospitals and treated therein, and at the dispensaries thereof, as are seamen of American registered vessels; but this Act shall not be so construed as to compel the establishment of hospitals or dispensaries for the benefit of said keepers and crews, nor as establishing a home for the same when permanently disabled.

Aug 4, 1894

#### 110 *Jurisdiction over American seamen in foreign ports and foreign seamen in American ports*

Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-

R S., 4079

general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation.

R S., 4080

May 28, 1890

In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a district court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or abstract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

R S., 4081.

If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima-facie case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its

nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officer making the application.

The district and circuit courts, and the commissioners of the district courts, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice-consul, or commercial agent. *Provided, however,* That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

R 4, 728  
May 28, 1896.

#### 111 *Seamen's witness fees*

There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station,

R 8, 851

sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States. When such seaman or person is transported in an armed vessel of the United States no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

## PART VI—SEAWORTHINESS, SUPPLIES, LOG-BOOK

112 Unseaworthy vessels	116. Provisions and water
113 Inspection of hulls	117 Weights and measures
114 Inspection of seaworthiness at domestic ports.	118. Medicines and anti-scorbutics
115 Inspection of seaworthiness at foreign ports	119 Slop-chest
	120. Warmth in cold weather
	121 Log-book

### 112 *Unseaworthy vessels.*

If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness. [This section shall not apply to fishing or whaling vessels or yachts, Dec. 21, 1898, Sec. 26.]

Dec 21, 1898  
Sec 11

### 113 *Inspection of hulls*

The local inspectors [of steam vessels] shall, once in every year, at least, upon application in writing of the master or owner, carefully inspect the hull of each steam-vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things, are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment

R S, 4117

The local inspectors [of steam vessels] shall, once in every year, at least, or upon application in writing of the master or owner, carefully inspect the hull of each sail vessel of

Dec 21, 1898.  
Sec 4

over seven hundred tons and all other vessels and barges of over one hundred tons burden carrying passengers for hire within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life

114. *Inspection of seaworthiness at domestic ports*

R S., 4556  
Dec 21, 1894  
Sec. 7

If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section forty-five hundred and fifty-seven provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of five hundred dollars. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S., 4557  
Dec 21, 1898,  
Sec. 8

July 1, 1902

The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health and Marine Hospital Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first

instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S , 4558  
Dec 21, 1898.  
Sec 9

#### 115. *Inspection of seaworthiness in foreign ports.*

Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section forty-five hundred and fifty-seven, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section forty-five hundred and fifty-seven. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S , 4559  
Dec 21, 1898  
Sec 10

The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

R S , 4560

The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it,

R S , 4601  
June 26, 1894  
Sec 4.  
Dec. 21, 1898.  
Sec. 11.

and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S., 4562

The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

R S., 4563

Every master who refuses to pay such wages and charges shall be liable to each person injured thereby, in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

#### 116. *Provisions and water*

R S., 4564  
Dec 21, 1898,  
Sec 12

Should any master or owner or any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section forty-five hundred and sixty-eight of the Revised Statutes.

R S., 4565

Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and



unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R S, 4566  
Dec. 21, 1898  
Sec. 13

If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

R S, 4567

If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section forty-six hundred and twelve of the Revised Statutes is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seamen shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

R S, 4568  
Dec. 21, 1898  
Sec. 14

First If his allowance is reduced by any quantity not exceeding one third of the quantity specified by law, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect to bad quality, a sum not exceeding one dollar a day

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

#### 117. *Weights and measures*

R S, 4571

Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

#### 118. *Medicines and anti-scorbutics*

R S, 4569.

Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing-vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

#### 119. *Slop-chest*

June 26, 1884  
Sec 11

Every such vessel [R. S. 4569] except vessels engaged in the whaling or fishing business shall also be provided with a slop-chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the

June 19, 1886.  
Sec 13.

wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico and Central America.

If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars, and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

R S , 4570

#### 120 *Warmth in cold weather*

Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than one hundred dollars [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26]

R S , 4572  
Dec 21, 1898  
Sec 15

#### 121. *Log-book*

Every vessel making voyages from a port in the United States to any foreign port, or being of the burden of seventy-five tons, or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log-book, and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

R S , 4290

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and ninety-seven.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

Feb 14, 1800

Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section forty-two hundred and ninety-one, and failure to make such entry shall subject the offender to the penalties prescribed by section forty-two hundred and ninety-two.

R S, 4291

Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

R S, 4292

If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

## PART VII.—LIABILITY OF OWNERS, MASTERS, AND SHIPPERS

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122 Liability of owners, masters, and shippers | 123 Act of Feb 18, 1893  
| 124. General libel bond

### 122 *Liability of owners, masters, and shippers*

If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or time pieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title-deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered. R S, 4281

No owner of any vessel shall be liable to answer for or make good to any person any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner. R S, 4282

The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending. R S, 4283

R S , 4284

Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel, in proportion to their respective losses; and for that purpose the freighters and owners of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

R S , 4285

It shall be deemed a sufficient compliance on the part of such owner with the requirements of this Title [R. S., 4131-4305] relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer all claims and proceedings against the owner shall cease.

R S , 4286

The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title [R. S., 4131-4305] relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

R S , 4287

Nothing in the five preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

R S , 4288.

Any person shipping oil of vitriol, unslacked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be liable to the United States in a penalty of one thousand dollars.

June 19, 1886  
Sec 4June 26, 1894  
Sec 18

The individual liability of a ship-owner, shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole, and the aggregate liabilities of all the owners of a vessel on

account of the same shall not exceed the value of such vessel and freight pending. *Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said ship-owners.

The provisions of the seven preceding sections, and of section eighteen of an act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, relating to the limitations of the liability of the owners of vessels, shall apply to all sea-going vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal-boats, barges, and lighters.

R 8, 4289  
June 19, 1886  
Sec 4

**123 Act of Feb 13, 1893 (Harter Act)**

It shall not be lawful for the manager, agent, master or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Feb 13, 1893  
Sec 1

It shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent or manager to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to exercise due diligence, properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

Sec 2

If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, or owners, agent, or charterers shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel, nor shall the vessel, her owner or owners, charterers, agent, or master, be held liable for losses arising from dangers of the sea or

Sec 3

other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service.

Sec 4

It shall be the duty of the owner or owners, masters, or agent of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping document, stating, among other things, the marks necessary for identification, number of packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described.

Sec 5

For a violation of any of the provisions of this act the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding two thousand dollars. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

Sec 6

This act shall not be held to modify or repeal sections forty-two hundred and eighty-one, forty-two hundred and eighty-two, and forty-two hundred and eighty-three of the Revised Statutes of the United States, or any other statute defining the liability of vessels, their owners, or representatives.

Sec 7

Sections one and four of this act shall not apply to the transportation of live animals.

#### 124. *General libel bond*

R S, 941

Mar 3, 1899

When a warrant of arrest or other process in rem is issued in any cause of admiralty jurisdiction, except in cases of seizures for forfeiture under any law of the United States, the marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the claimant of the property a bond or stipulation in double the amount claimed by the libellant, with sufficient surety, to be approved by the judge of the court where the cause is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court in such cause. Such bond



or stipulation shall be returned to the court, and judgment thereon, against both the principal and sureties, may be recovered at the time of rendering the decree in the original cause. And the owner of any vessel may cause to be executed and delivered to the marshal a bond or stipulation, with sufficient surety, to be approved by the judge of the court in which he is marshal, conditioned to answer the decree of said court in all or any cases that shall thereafter be brought in said court against the said vessel, and thereupon the execution of all such process against said vessel shall be stayed so long as the amount secured by such bond or stipulation shall be at least double the aggregate amount claimed by the libelants in such suits which shall be begun and pending against said vessel; and like judgments and remedies may be had on said bond or stipulation as if a special bond or stipulation had been filed in each of said suits. The court may make such orders as may be necessary to carry this section into effect, and especially for the giving of proper notice of any such suit. Such bond or stipulation shall be indorsed by the clerk with a minute of the suits wherein process is so stayed, and further security may at any time be required by the court. If a special bond or stipulation in the particular cause shall be given under this section, the liability as to said cause on the general bond or stipulation shall cease.

## PART VIII—INSPECTION OF STEAM VESSELS.

<p>125. General provisions</p> <p>126. Inspection of registered foreign-built vessels</p> <p>127. Manning of steam passenger vessels</p> <p>128. Inspection of hulls and equipment.</p> <p>129. Inspection of boilers</p> <p>130. Loading safety-valve</p> <p>131. Water-tight bulkheads</p> <p>132. Life boats, lines, and preservers</p> <p>133. Stairways and deck room</p>	<p>134. Wire tiller ropes</p> <p>135. Protection against fire</p> <p>136. Inflammable or explosive cargo.</p> <p>137. Carriage of passengers</p> <p>138. Certificate of inspection</p> <p>139. Exhibit of laws</p> <p>140. Inspectors and officers of steam vessels</p> <p>141. Liability for damage.</p> <p>142. Enforcement and penalty.</p>
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### 125 *General provisions*

R S , 4899      Every vessel propelled in whole or in part by steam shall be deemed a steam-vessel within the meaning of this Title [R. S., 4399-4500].

R S., 4400      All steam-vessels navigating any waters of the United States which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this Title [R. S., 4399-4500].

Aug 7, 1892      And all foreign private steam-vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of section

Mar 1, 1895      forty-four hundred and seventeen, forty-four hundred and eighteen, forty-four hundred and twenty-one, forty-four hundred and twenty-two, forty-four hundred and twenty-three, forty-four hundred and twenty-four, forty-four hundred and seventy, forty-four hundred and seventy-one, forty-four hundred and seventy-two, forty-four hundred and seventy-three, forty-four hundred and seventy-nine, forty-four hundred and eighty-two, forty-four hundred and eighty-eight, forty-four hundred and eighty-nine, forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-nine, and forty-five hundred of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid.

Feb 15, 1902      When such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective

countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality, it being further provided that the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued

Feb. 14, 1903

Sec. 10

No license, register, or enrollment shall be granted, nor any other papers be issued by any collector or other chief officer of the customs to any vessel propelled in whole or in part by steam, until he shall have satisfactory evidence that all the provisions of this Title [R. S., 4399-4500] have been fully complied with.

R S , 4498

The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character, propelled by steam, shall be inspected under the provisions of this Title [R. S., 4399-4500]. Such other provisions of law for the better security of life, as may be applicable to such vessels, shall, by the regulations of the board of supervising inspectors, also be required to be complied with, before a certificate of inspection shall be granted, and no such vessels shall be navigated without a licensed engineer and a licensed pilot. In open steam-launches of ten tons burden and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. Irondequoit Bay, New York, shall, for the purpose of applying the provisions of title fifty-two of the Revised Statutes [R. S., 4399-4500], relating to steam-vessels navigating thereon, be declared a navigable water of the United States; and steam-vessels navigated thereon, and carrying passengers, shall be inspected under the provisions of section forty-four hundred and twenty-six of the title [R. S., 4399-4500] referred to, and subject to the penalties provided therein for a failure to comply therewith.

R S , 4426.

Dec. 22, 1890

June 25, 1890

All vessels of above fifteen tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States, relating to

Jan. 18, 1897

June 7, 1897

Sec 5

March 8, 1897

Sec 16

the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage [or use,] shall be subject to the provisions [of section forty-four hundred and twelve of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections forty-two hundred and thirty-three of the Revised Statutes, relating to lights, fog signals, steering, and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation ]

R S , 4427

The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected, under the provisions of this Title [R. S , 4399-4500], and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gauge-cocks, low-water alarm-indicators, steam-gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this Title, and shall be subject to the same provisions of law as officers navigating passenger-steamers.

R S 4452

Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector, and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance, and to administer oaths, that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section, and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam-vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case.

R S , 4453

In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel

safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a re-examination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them

If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of five hundred dollars for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage which shall occur from any defects as stated in the notice prescribed in the preceding section.

R S , 4454

No kind of instrument, machine, or equipment, for the better security of life, provided for by this Title [R. S., 4399-4500] shall be used on any steam-vessel which shall not first be approved by the board of supervising inspectors, and also by the Secretary of Commerce and Labor

R S , 4491

Feb 14, 1903  
Sec 10

#### 126. *Inspection of registered foreign-built vessels*

The Secretary of Commerce and Labor be, and he is hereby, authorized to direct the inspection of any foreign vessel, admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Mar 3, 1897  
Sec 14  
Feb 14, 1903  
Sec 10

#### 127. *Manning of steam passenger vessels*

No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied, until others licensed can be obtained.

R S , 4463

128. *Inspection of hulls and equipment*

[See Seaworthiness, paragraph 113.]

129. *Inspection of boilers*

R 8, 4418

June 19, 1886  
Sec 14

The local inspectors shall also inspect the boilers of all steam-vessels before the same shall be used, and once at least in every year thereafter. They shall subject all boilers to the hydrostatic pressure; and shall satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient; that the flues are circular in form; that the fire-line of the furnace is at least two inches below the prescribed minimum water-line of the boilers; that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers and machinery, and the appurtenances, may be safely employed in the service proposed in the written application, without peril to life. They shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged; and that the weights of the safety-valves are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there is a sufficient number of gauge-cocks properly inserted, and suitable steam gauges to indicate the pressure of steam; and that there are reliable low-water gauges; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace, whenever the water in the boilers falls below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in high-pressure boilers the water shall not be less than four inches above the top of the flues, and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers, when they are under pressure of steam. In subjecting to the hydrostatic test boilers usually designated and known as high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch, as the maximum pressure allowable as a working-power for a new boiler of forty-two inches in diameter, made in the best manner, of inspected iron plates, one-fourth of an inch thick, and of a quality required by law, and shall rate the working-power of all high-pressure boilers, whether old or new, according to their strength, compared with this standard; and in all cases the test applied shall exceed the working-power allowed, in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting to the hydrostatic test, boilers usually designated and known as low-pressure boilers, the inspectors shall allow as a working-power for each new boiler a pres-

sure of only three-fourths the number of pounds to the square inch to which it has been subjected by the hydrostatic test, and for which it has been found to be sufficient. Should the inspectors be of the opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure as is above described, they may, for reasons to be stated specially in their certificate, fix the working pressure of such boiler at less than three-fourths of the test-pressure. All boilers used on steam-vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam-power allowed. No boiler or pipe, nor any of the connections therewith, shall be approved, which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause.

In applying the directions of the preceding section [4418] to steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, the local inspectors shall substitute, for such boats, one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds, to the square inch. R S , 4420

One of the safety-valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam-registers shall, be taken wholly from the control of all persons engaged in navigating such vessels and secured by the inspectors. R S , 4419

Every boiler manufactured to be used on steam-vessels, and made of iron or steel plates shall be constructed of plates that have been stamped in accordance with the provisions of this Title [R S , 4399-4500]. R S , 4428

Every person who constructs a boiler, or steam-pipe connecting the boilers, to be used on steam-vessels, of iron or steel plates which have not been duly stamped and inspected according to the provisions of this Title [R S , 4399-4500], or who knowingly uses any defective, bad, or faulty iron or steel in the construction of such boilers, or who drifts any rivet-hole to make it come fair; or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be fined one thousand dollars, one-half for R S , 4429

Aug 7, 1882  
Feb 14, 1903.  
Sec 10

the use of the informer. Nothing in this Title shall be so construed as to prevent from being used, on any steamer, any boiler or steam-generator which may not be constructed of riveted iron or steel plates, when the board of supervising inspectors have satisfactory evidence that such boiler or steam-generator is equal in strength, and as safe from explosion, as a boiler of the best quality constructed of riveted iron or steel plates. Provided, however, That the Secretary of Commerce and Labor may grant permission to use any boiler or steam-generator not constructed of riveted iron or steel plates upon the certificate of the supervising inspector of steamboats for the district wherein such boiler or generator is to be used, and other satisfactory proof that the use of the same is safe and efficient; said permit to be valid until the next regular meeting of the supervising inspectors who shall act thereon.

R S, 4450

Feb 14, 1903  
Sec 10

Every iron or steel plate used in the construction of steamboat-boilers, and which shall be subject to a tensile strain, shall be inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce and Labor, so as to enable the inspectors to ascertain its tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no iron or steel plate shall be used in the construction of such boilers which has not been inspected and approved under those rules.

Jan 22, 1894  
Feb. 14, 1903  
Sec 10

And the Supervising Inspector-General may, under the direction of the Secretary of Commerce and Labor, detail assistant inspectors from any local inspection district where assistant inspectors are employed, to inspect iron or steel boiler plates at the mills where the same are manufactured; and if the plates are found in accordance with the rules of the supervising inspectors, the assistant inspector shall stamp the same with the initials of his name, followed by the letters and words, 'U S. Assistant Inspector;' and material so stamped shall be accepted by the local inspectors in the districts where such material is to be manufactured into marine boilers as being in full compliance with the requirements of this section regarding the inspection of boiler plates, it being further provided that any person who affixes any false, forged, fraudulent, spurious, or counterfeit of the stamp herein authorized to be put on by an assistant inspector, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars, nor more than five thousand dollars, and imprisoned not less than two years nor more than five years.

R. S., 4481

Every plate of boiler-iron or steel, made for use in the construction of steamboat-boilers, shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are worked into boilers, with the name of the manufacturer, the place where manufactured, and the number of pounds tensile strain it will bear to the sectional square inch; and the inspectors shall keep a rec-



ord in their office of the stamps upon all boiler-plates and boilers which they inspect.

Every person who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for boiler iron or steel plates, or who designedly stamps, or causes to be stamped falsely, any such plates; and every person who stamps or marks, or causes to be stamped or marked, any such iron or steel plates with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined two thousand dollars, one-half to the use of the informer, and may, in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

R S, 4482

The working steam-pressure allowable on boilers constructed of plates inspected as required by this Title [R. S., 4399-4500], when single-riveted, shall not produce a strain to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double-riveted, and the rivet-holes for such boilers have been fairly drilled instead of punched, an addition of twenty per centum to the working pressure provided for single-riveting may be allowed: *Provided*, That all other parts of such boilers shall correspond in strength to the additional allowances so made; and no split-calking shall in any case be permitted.

R S, 4433

No externally fired boiler having its shell constructed of iron or steel plates exceeding an average thickness of thirty one-hundredths of an inch shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than three inches space between its shell and any of its internal flues, and not less than three inches space between such flues when any such flues are more than five inches in diameter; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the board of supervising inspectors, in all cases where the distance between its internal flues is less than three inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Secretary of Commerce and Labor, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection no plate that is by this act limited to a thickness of thirty one-hundredths of an inch and no plate that is by this Act limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the average thickness thereof does not exceed the limits

R S, 4431  
Feb 11, 1885

Feb 28, 1895

Feb 14, 1903.  
Sec 10

therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this act shall be determined from measurements showing the least thickness of the plates.

R S , 4435

The feed-water shall be delivered into the boilers in such manner as to prevent it from contracting the metal, or otherwise injuring the boilers. And when boilers are so arranged on a vessel that there is employed a water-connecting pipe through which the water may pass from one boiler to another, there shall also be provided a similar steam connection, having an area of opening into each boiler of at least one square inch for every two square feet of effective heating-surface contained in any one of the boilers so connected, half the flue and all other fire-surfaces being computed as effective. Adequate provision shall be made on all steam-vessels to prevent sparks or flames from being driven back from the fire-doors into the vessel.

R S , 4486

Every boiler shall be provided with a good, well-constructed safety valve or valves, of such number, dimensions, and arrangements as shall be prescribed by the board of supervising inspectors, and shall also be provided with a sufficient number of gauge-cocks and a reliable low-water indicator that will give alarm when the water falls below its prescribed limits; and in addition thereto there shall be inserted, in a suitable manner, in the flues, crown-sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, a plug of good Banca tin.

### 130. *Loading safety-valve*

R S , 4487

Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety-valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined two hundred dollars, and may also be imprisoned not exceeding five years.

### 131. *Water-tight bulkheads.*

R. S., 4490.

Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after the twenty-eighth day of August, eighteen hundred and seventy-one, shall have not less than three water-tight cross-bulk-heads, such bulk-heads to reach to the main-deck in single-decked vessels, otherwise to the deck next below the

main-deck; to be made of iron plates, sustained upon suitable frame-work; and to be properly secured to the hull of the vessel. The position of such bulk-heads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.

Steam-vessels of one hundred tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the United States local inspectors of steam-vessels to carry passengers or excursions on the ocean or upon the Great Lakes of the North or Northwest, not exceeding fifteen miles from the mouth of such bays or harbors, without being required to have the three water-tight cross-bulkheads provided by section forty-four hundred and ninety of the Revised Statutes for other passenger steamers: *Provided*, That in the judgment of the local inspector such steamers shall be safe and suitable for such navigation without danger to human life, and that they shall have one water-tight collision bulkhead not less than five feet abaft the stem of said steamer.

July 9, 1886  
Sec 8

### 132. *Life boats, lines, and preservers*

Every steam-vessel navigating rivers only, except ferry-boats, freight-boats, canal-boats, and towing-boats, of less than fifty tons, shall have at least one good substantial boat with lines attached, and properly supplied with oars, and kept in good condition at all times, and ready for immediate use; and in addition thereto, every such vessel carrying passengers shall have one or more metallic life-boats, fireproof, and in all respects good and substantial boats, of such dimensions and arrangements as the board of supervising inspectors by their regulations shall prescribe, which boats shall be carried in the most convenient manner to be brought into immediate use in case of accident. But where the character of the navigation is such that, in the opinion of the supervising inspector, the metallic life-boats can be dispensed with, he may exempt any such vessel from carrying the same; or may require a substitute therefor, at his discretion.

R S , 4481

Every such steam-vessel carrying passengers shall also be provided with a good life-preserver, made of suitable material, for every cabin passenger for which she will have accommodation, and also a good life-preserver or float for each deck or other class passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life-preservers or floats shall be kept in convenient and accessible places on such vessel in readiness for immediate use in case of accident.

R.S , 4482.

Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of life-boats, floats, rafts, life-preservers, line-carrying projectiles and the means of propelling them, and drags, as will best secure the safety of all persons on board

R S , 4488  
Mar. 2, 1889.

such vessel in case of disaster; and every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the life-boats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging-apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the kind of life-boats, floats, rafts, life-preservers, line-carrying projectiles and the means of propelling them, and drags that shall be used on such vessels, and also the kind and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed.

Apr 11, 1892

The provisions of an act \* \* \* approved March second, eighteen hundred and eighty-nine, \* \* \* are hereby repealed so far as they relate to the carrying of line-carrying projectiles and the means of propelling them on steamers plying exclusively upon any of the lakes, bays, or sounds of the United States.

R S , 4489  
Mar 2, 1889

The owner of any such steamer who neglects or refuses to provide such life-boats, floats, rafts, life-preservers, line-carrying projectiles and the means of propelling them, drags, pumps, or appliances, as are, under the provisions of the preceding section, required by the board of supervising inspectors, and approved by the Secretary of Commerce and Labor, shall be fined one thousand dollars.

Feb 14, 1903  
Sec 10

### 133. *Stairways and deck room*

R. S , 4484

Every such steam-vessel carrying passengers on the main-deck shall be provided with permanent stairways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side.

R. S , 4485

The captain or mate of every such steam-vessel carrying passengers upon the main-deck shall assign to all deck-passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

R. S , 4486.

For every violation of the provisions of the two preceding sections the owners of the vessel shall be punished by a fine of three hundred dollars.

134 *Wire tiller ropes*

Every steamer carrying passengers shall be provided with wire tiller-ropes, or iron rods or chains, for the purpose of steering and navigating the vessel, and shall employ wire bell-pulls for signaling the engineer from the pilot-house, together with tubes of proper size so arranged as to return the sound of the engine-bells to the pilot-house, or other arrangement to repeat back the signal. But on any such vessel navigated by the mariners' compass, so much of such wire rope or chain may be dispensed with and disused as shall influence or disturb the working of the compass

R S, 4480

135 *Protection against fire*

Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler, to convey steam into the hold and the different compartments thereof, to extinguish fire, and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all wood-work or other ignitable substances about the boilers, chimneys, cook-houses, and stove-pipes exposed to ignition, shall be thoroughly shielded by some incombustible material, in such a manner as to leave the air to circulate freely between such material and wood-work or other ignitable substance; and before granting a certificate of inspection, the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire.

R S, 4470

Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop-cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire-pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the twenty-eighth day of February, eighteen hundred and seventy-one, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each

R S, 4471

pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire-pump thus described shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat; and no fire-pump thus provided for shall be placed below the lower deck of the vessel. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof

R S, 4477

Every steamer carrying passengers during the night-time shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

R S, 4478.

For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined one thousand dollars.

R S, 4479

The board of supervising inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire-extinguishers as, in the judgment of the board, may be necessary to protect them from fire when such steamers are moored or lying at a wharf without steam to work the pumps.

R S, 4488

Every such steam-vessel carrying passengers, of two hundred tons burden or less, shall also keep at least eighteen fire-buckets and two water-barrels, and shall have not less than four axes; and every such steamer of over two hundred tons, and [not] less than five hundred tons burden, shall carry not less than twenty-four buckets, four water-barrels, and six axes; and every such steamer of over five hundred tons shall carry not less than thirty-five buckets, six water-barrels, and eight axes. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangements, or buckets in sufficient number, may be substituted for barrels.

R S, 4492

Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this title [R. S., 4399-4500] relating to fire-buckets, axes, life-preservers, and yawls, to such extent as shall be prescribed by the board of supervising inspectors; and for any violation of this section the penalty shall be two hundred dollars, recoverable one-half for the use of the informer.

### 136 *Inflammable or explosive cargo*

R S, 4422.

Upon the application of any master or owner of any steam-vessel employed in the carriage of passengers, for a

license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight, within such chest, safes, or compartments, the article of gunpowder.

No loose hay, loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered with bagging of similar fabric, and secured with good rope or iron bands, nor shall gunpowder be carried on any such vessel, except under special license, nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof, or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum, which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practicable mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor, and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels, or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel; and friction-matches may be carried on such steamers when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors, and approved by the Secretary of Commerce and Labor

R S., 4472

Feb 14, 1908  
Sec 10Feb 11, 1903  
Sec 10

Feb 20, 1901

Nothing in the foregoing or following sections of this Act shall prohibit the transportation by steam vessels of gasoline, or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power. *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished before entering the said vessel, and that the same be not relighted until after said vehicle shall have left the same: *Provided, further,* That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile

vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids

R S, 4478

Every bale of cotton or hemp that shall be shipped or carried on any passenger-steamer, without conforming to the provisions of the preceding section, shall be subject to a penalty of five dollars, and shall be liable to seizure and sale to secure the payment of such penalty.

R S, 4474  
Feb 14, 1908  
Sec 10

The Secretary of Commerce and Labor may grant permission to the owner of any steam-vessel, to use any invention or process for the utilization of petroleum or other mineral oils or substances in the production of motive-power, and may make and enforce regulations concerning the application and use of the same for such purpose. But no such permission shall be granted, unless upon the certificate of the supervising inspector of steamboats for the district wherein such vessel is registered, and other satisfactory proof that the use of the same is safe and efficient, and upon such proof, and the approval of such certificate by the Secretary of Commerce and Labor, a special license for the use of such process or invention shall issue under the seal of the Department of Commerce and Labor.

Oct 18, 1888  
Feb 14, 1908  
Sec. 10

The Secretary of Commerce and Labor may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of Commerce and Labor in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of Commerce and Labor a penalty of five hundred dollars shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment

R S, 4475

All gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside, with the name or description of the article contained therein.

R. S, 4476

Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, or other articles of like character otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessels as stores unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by fine not



exceeding two thousand dollars, or imprisonment not exceeding eighteen months, or both; one-half of the fine to go to the informer, and the articles to be liable to seizure and forfeiture.

Every person who knowingly transports, or delivers or causes to be delivered, nitro-glycerine, nitro-leum or blasting-oil or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such substance or article, on board any vessel or vehicle whatever, employed in conveying passengers by land or water between any place in a foreign country and any place within the United States, or between a place in one State, Territory, or district of the United States and a place in any other State, Territory, or district thereof, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars; one-half to the use of the informer. R S, 5353

When the death of any person is caused by the explosion of any quantity of such articles, or either of them, while the same is being placed upon any vessel or vehicle, to be transported in violation of the preceding section, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, every person who knowingly placed or aided, or permitted the placing of such articles upon such vessel or vehicle, to be so transported, is guilty of manslaughter, and shall suffer imprisonment for a period not less than two years. R S, 5354

Every person who knowingly ships, sends, or forwards any quantity of the articles mentioned in section fifty-three hundred and fifty-three, or who transports the same by any mode of conveyance upon land or water, between any of the places specified in that section, unless such articles be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other non-explosive material when saturated with such oil, and separated from all other substances, and the outside of the package be marked, printed, or labeled in a conspicuous manner with the words "nitro-glycerine; dangerous," shall be punished by a fine of not less than one thousand nor more than five thousand dollars; one-half to the use of the informer. R S, 5355

### 137. *Carriage of passengers.*

The inspectors shall state in every certificate of inspection granted to steamers carrying passengers, other than ferry-boats, the number of passengers of each class that any such steamer has accommodations for, and can carry with prudence and safety. R S, 4464

It shall not be lawful to take on board of any steamer a greater number of passengers than is stated in the certificate of inspection; and for every violation of this provision the master or owner shall be liable, to any person suing for the same, to forfeit the amount of passage-money and ten dollars for each passenger beyond the number allowed. R. S, 4465

July 9, 1886  
Feb 23, 1901

Any steam vessel engaged in the business of towing vessels, rafts, or water craft of any kind, also steam vessels engaged in oyster dredging and planting, and fishing steamers engaged in food fishing on the Great Lakes and all other inland waters of the United States, and not carrying passengers, may be authorized and licensed by the supervising inspector of the district in which said steamer shall be employed to carry on board such number of persons, in addition to its crew, as the supervising inspector, in his judgment, shall deem necessary to carry on the legitimate business of such towing, oyster and fishing steamers, not exceeding, however, one person to every net ton of measurement of said steamers. *Provided, however,* That the person so allowed to be carried shall not be carried for hire.

July 9, 1886,  
Sec 2

Every steam-vessel licensed under the foregoing section shall carry and have on board, in accessible places, one life-preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel.

R S , 4468

If any passenger-steamer engages in excursions, the inspectors shall issue to such steamer a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried, and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions.

R S , 4467

The master of every passenger-steamer shall keep a correct list of all the passengers received and delivered from day to day, noting the places where received and where landed, which record shall be open to the inspection of the inspectors and officers of the customs at all times; and the aggregate number of passengers shall be furnished to inspectors as often as called for; but on routes not exceeding one hundred miles, the number of passengers, if kept, shall be sufficient.

R S , 4468.

Every master of any passenger-steamer who fails, through negligence or design, to keep a list of passengers, as required by the preceding section, shall be liable to a penalty of one hundred dollars.

R. S. , 4469

The penalties imposed by sections forty-four hundred and sixty-five and forty-four hundred and sixty-eight shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

### 138. Certificate of inspection

R. S. , 4421

When the inspection of a steam-vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board

of supervising inspectors. Such certificate shall be verified by the oaths of the inspectors signing it, before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval.

Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof; two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others, and there kept at all times, framed under glass; and the other shall be retained by such master or owner, as evidence of the authority thereby conferred. R S, 4423

Whenever any passenger is received on board any steam-vessel not having the certified copies of the certificate of approval placed and kept as required by this Title [R. S., 4399-4500], or whenever any passenger steam-vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, and a certified copy thereof placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam-vessel shall be liable to a penalty of one hundred dollars for each offense. R S, 4424

#### 139. *Exhibit of laws*

Every master, or commander of any steam-vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of this Title [R. S., 4399-4500], to be furnished to him by the Secretary of Commerce and Labor, and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of twenty dollars. R S, 4494

Feb 14, 1903  
Sec 10

#### 140. *Inspectors and officers of steam-vessels*

Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties, and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this Title [R. S., 4399-4500] have been observed, and complied with, both by the board of inspectors and the master and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both. R S, 4406

R. S., 4407

Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam-vessel fails to perform his duties according to the provisions of this Title [R. S., 4399-4500], he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and, if need be, he shall cause the negligent or offending party to be prosecuted, and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of Commerce and Labor who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent.

Feb 14, 1903  
Sec 10

R. S., 4447

When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the board of supervising inspectors shall prescribe.

R. S., 4448

All officers licensed under the provisions of this Title [R. S. 4399-4500] shall assist the inspectors in their examination of any vessel to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and also shall make known to the inspectors, at the earliest opportunity, all accidents or occurrences producing serious injury to the vessel, her boilers, her machinery; and in default thereof the license of any such officer so neglecting or refusing shall be revoked.

R. S., 4449

If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any steamer, as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked, upon the same proceedings as are provided in other cases of revocation of such licenses.

R. S., 4450

The local boards of inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States circuit or district courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and after reasonable notice in writing, given to the alleged

delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the performance of his duties by any such licensed officer; and if the board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or willfully violated any provision of this Title [R. S., 4399-4500], they shall immediately suspend or revoke his license.

#### 141 *Liability for damage*

Whenever damage is sustained by any passenger, or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage, if it happens through any neglect, or failure to comply with the provisions of this Title [R. S., 4399-4500], or through known defects, or imperfections of the steam apparatus or of the hull: and any person sustaining loss, or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot. R S, 4493

#### 142. *Enforcement and penalty*

All collectors, or other chief officers of the customs and all inspectors within the several districts, shall enforce the provisions of this Title [R. S., 4399-4500] against all steamers arriving and departing. R S, 4496

Every collector, or other chief officer of the customs, or inspector, who negligently, or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of one hundred dollars for each offense, to be sued for in an action of debt. R S, 4497

If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this Title [R. S., 4399-4500], the owner shall be liable to the United States in a penalty of five hundred dollars for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense R S, 4499

The penalty for the violation of any provision of this Title [R. S., 4399-4500], not otherwise specially provided for, shall be a fine of five hundred dollars, recoverable one-half for the use of the informer. R S, 4500

## PART IX.—IMMIGRANT SHIPS.

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### 143. *Accommodations*

Aug 2, 1882

It shall not be lawful for the master of a steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein one hundred cubic feet, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and one hundred and twenty cubic feet for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel, and it shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing-vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck-house constructed on the main deck, and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between-decks, nor in any compartment, space, poop, or deck-house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who

shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck-house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

In every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as heremafter provided, of all such passengers. There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other. All the male passengers upwards of fourteen years of age who do not occupy berths with their wives shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead; and unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured. Families, however, shall not be separated except with their consent. Each berth shall be numbered serially, on the outside berth-board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period. For any violation of either of the provi-

Sec 2

sions of this section the master of the vessel shall be liable to a fine of five dollars for each passenger carried or brought on the vessel.

144. *Light and air*

Aug. 2, 1882  
Sec 3

Every such steamship or other vessel shall have adequate provisions for affording light and air to the passenger-decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces. To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment, and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions; and in all vessels carrying or bringing such passengers there shall be properly-constructed hatchways over the compartments or spaces occupied by such passengers, which hatchway shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck, and there shall be proper companion-ways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companion-ways or ladders shall be securely constructed, and be provided with hand-rails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartments or spaces appropriated to their use; and every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking-range, or other cooking apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers. In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water-closets and privies shall be properly enclosed and located on each side of the vessel, and shall be separated from



passengers' spaces by substantial and properly-constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage. For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

#### 145. *Provisions*

An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers. Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given. If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall pay to each passenger three dollars for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance. Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter. Tables and seats shall be provided for the use of passengers at regular meals. And for every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars, and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners.

Aug 2, 1882  
Sec 4.

#### 146. *Medical attendance*

In every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voyage. And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and

Aug. 2, 1882.  
Sec 5

who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea-voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services: For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

#### 147. *Discipline and cleanliness*

Aug 2, 1882  
Sec 6

The master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding two hundred and fifty dollars.

#### 148. *Privacy of passengers*

Aug 2, 1882  
Sec 7

Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding one hundred dollars, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing

some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than one hundred dollars for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the fore-castle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

**149 Explosives; cattle.**

It shall not be lawful to take, carry, or have on board of any such steamship or other vessel any nitro-glycerine, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel, and horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron, and of which the compartments are divided off by watertight bulkheads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned for a period not exceeding one year.

Aug. 2, 1882  
Sec 8.  
4, m

It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitro-glycerine, or glynom oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article, or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign country and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof.

R. S. , 4278.

It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water,

R. S. , 4279.

between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely enclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be non-explosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitro-glycerine, dangerous."

R. S., 4280

The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from prohibiting the traffic in or transportation of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein.

#### 150 *Boarding vessel, passenger list*

Aug 2, 1882  
Sec 9

It shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel; and on the arrival of any such steamship or other vessel within any collection district of the United States, the master thereof shall deliver to the officer of customs who first comes on board the vessel and makes demand therefor a correct list, signed by the master, of all the passengers taken on board the vessel at any foreign port or place, specifying separately the names of the cabin passengers, their age, sex, calling, and the country of which they are citizens, and the number of pieces of baggage belonging to each passenger, and also the name, age, sex, calling, and native country of each emigrant passenger, or passengers other than cabin passengers, and their intended destination or location, and the number of pieces of baggage belonging to each passenger, and also the location of the compartment or space occupied by each of such passengers during the voyage; and if any of such passengers died on the voyage, the said list shall specify the name, age, and cause of death of each deceased passenger; and a duplicate of the aforesaid list of passengers, verified by the oath of the master, shall, with the manifest of the cargo, be delivered by the master to the collector of customs on the entry of the vessel. For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the

Mar 8, 1903  
Sec 12

master of the vessel shall be liable to a fine not exceeding one thousand dollars.

The Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that Department.

Mar 31, 1900  
Feb. 14, 1903  
Sec 10

Each person violating such regulations shall be subject to a penalty of not more than one hundred dollars or imprisonment not to exceed six months, or both, in the discretion of the court.

Mar 31, 1900  
Sec 2

This Act shall be construed as supplementary to section nine of chapter three hundred and seventy four of the Statutes of eighteen hundred and eighty-two, and section forty-six hundred and six of the Revised Statutes.

Sec 8

Each and every collector of customs to whom shall be delivered the manifests or lists of passengers prescribed by the twelfth section of the act aforesaid, approved March third, eighteen hundred and fifty-five, shall make returns from such manifests or lists of passengers to the Secretary of Commerce and Labor of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published.

May 7, 1874  
Feb 14, 1903  
Sec 10

#### 151. *Death of passenger*

In case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of ten dollars for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease, and the master or consignees of any vessel who neglect or refuse to pay such collector, within the times hereinbefore prescribed, the sums of money aforesaid, shall be liable to a penalty of fifty dollars in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage. All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

Aug 2, 1882  
Sec 10

#### 152 *Inspection.*

The collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the

Aug 2, 1882  
Sec. 11.

vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer, and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space, and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage, the number of deaths, and the age and sex of those who died during the voyage, and of what disease, and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of this act, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Secretary of Commerce and Labor at such times and in such manner as he shall direct.

Feb. 14, 1903  
Sec 10

#### 153 *Penalties*

The provisions of this act shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or vice versa; and whether the voyage of said vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America; and the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of this act have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of this act have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with; and if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding one thousand dollars, and be impris-

Aug 2, 1882  
Sec 12

oned not exceeding one year, and the vessel shall be liable to seizure and forfeiture.

The amount of the several fines and penalties imposed by any section of this act upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the provisions of this act, shall be liens upon such vessel, and such vessel may be libeled therefor in any circuit or district court of the United States where such vessel shall arrive or depart. Sec 13.

## PART X.—GENERAL PILOT LAWS

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### 154 *General pilot laws.*

R S , 4285

Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose

R S , 4286

The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

R S , 4287

No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States, and all existing regulations or provisions making any such discrimination are annulled and abrogated.

R S , 4441

No State or municipal government shall impose upon pilots of steam-vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title [R.S., 4399-4500]; nor shall any pilot-charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam-vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

R. S., 4401

All coastwise sea-going vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction



thereof, and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam-vessels in passing, as provided by this Title [R. S., 4399-4500]; and every coastwise sea-going steam-vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Aug 19, 1890.

Feb 8, 1895.

June 7, 1897

## PART XI.—TONNAGE TAX.

155. Rates of tax.  
156. Exemptions from tonnage tax  
157. Discriminating tonnage taxes  
158. Alien tonnage taxes.

159. Light money  
160. Consular tonnage charges  
161. Refund of tonnage tax.

### 155. *Rates of tax.*

R. S., 4227

Nothing contained in this Title [R. S., 4131-4305] shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

R. S., 4219  
June 26, 1884  
Sec 14,  
June 19, 1886  
Sec. 11.

In lieu of the tax on tonnage of thirty cents per ton per annum imposed prior to July first, eighteen hundred and eighty-four, a duty of three cents per ton, not to exceed in the aggregate fifteen cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland; and a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports, not, however, to include vessels in distress or not engaged in trade.

April 30, 1900

Feb 5, 1897

June 26, 1884  
Sec 15

The expense of maintaining the Marine Hospital Service shall hereafter be borne by the United States out of receipts for duties on tonnage provided for by this Act; and so much thereof as may be necessary is hereby appropriated for that purpose.

### 156. *Exemptions from tonnage tax.*

R. S., 4219  
June 19, 1886,  
Sec 11

The President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any foreign port, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries

above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage-duty, if any, to be collected under such suspension: *Provided, further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of such country, or on the cargoes of such vessels.

Apr 4, 1888

But this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their own vessels, and the cargoes thereof, engaged in their coasting trade, or with the existence between such countries and other states of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favored nation clause in treaties between the United States and such countries

The President be, and hereby is, directed to cause the Governments of foreign countries which, at any of their ports, impose on American vessels a tonnage-tax or light-house dues, or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all light-house dues, tonnage-taxes, or other equivalent tax or taxes on, and also all other fees for official services to, the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

June 19, 1886  
Sec 12

No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled.

R S, 4220.

In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

R S, 4221

The mail steamships employed in the mail service between the United States and Brazil shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States if, and so long as, a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

R S, 4222

#### 157. *Discriminating tonnage taxes*

Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied

R. S., 4223.

in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

July 24, 1897

*Provided*, That the President is authorized to suspend in part the operation of sections forty-two hundred and nineteen and twenty-five hundred and two so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country.

R S, 4229

No other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States, and their cargoes.

R S, 4280

The preceding section shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the ports of Prussia and her dominions; and if at any time hereafter the equality shall not be reciprocated in the ports of Prussia and her dominions, the President may issue his proclamation, declaring that fact, and thereupon the section preceding shall cease to be in force.

R S, 4281.

From Spanish vessels coming from any port or place in Spain or her colonies, where no discriminating or counter-vailing duties on tonnage are levied upon vessels of the United States, or from any other port or place to and with which vessels of the United States are ordinarily permitted to go and trade, there shall be exacted in the ports of the United States no other or greater duty on tonnage than at the time may be exacted of vessels of the United States.

#### 158. *Alien tonnage taxes (in exceptional cases)*

R S, 4219.  
July 24, 1897.

Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of 30 cents per ton, on other vessels not of the United States, at the rate of 50 cents per ton. Upon

every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of 50 cents per ton. Nothing in this section shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton, and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished, \* \* \* and any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired, and any vessel any officer of which shall not be a citizen of the United States, shall pay a tax of fifty cents per ton.

June 26, 1884  
Sec 14

**159** *Light money (in exceptional cases).*

A duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

R S, 4225

The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea-letter, or other regular document, issued from a custom-house of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea-letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

R S, 4225

**160. Consular tonnage charges**

R S, 4222

No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port.

**161. Refund of tonnage tax.**June 26, 1884  
Sec 26Feb 14, 1903  
Sec 10

Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of Commerce and Labor, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

July 5, 1884  
Sec 3

On all questions of interpretation \* \* \* relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his [Commissioner of Navigation] decision shall be final.

## PART XII —DISCRIMINATION AND RETALIATION.

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|--|---|
| <p>162 Discrimination against American vessels</p> <p>163. Discrimination against American fishing vessels.</p> <p>164. Discrimination against products of the United States</p> | <p>165 Discrimination on Canadian canals</p> <p>166 Vessels of nations not assimilated by treaty to American vessels.</p> <p>167 Discriminating duties.</p> |
|--|---|

### 162. *Discrimination against American vessels*

Whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessel of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

June 19, 1886.  
Sec 17

### 163 *Discrimination against American fishing vessels*

Whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports of

Mar 8, 1887.

places of the British Dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places;

Or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British Dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation,

Or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British Dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases:

It shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British Dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere, and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act

Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be for-



feited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon.

Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

**164. *Discrimination against products of the United States.***

Whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such product of such foreign State so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require.

Aug. 30, 1890  
Sec 5

**165. *Discrimination on Canadian canals***

With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, on and after the first day of August, eighteen hundred and ninety-two, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or the water ways connecting the same, of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the Saint Marys Falls Canal, now permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it shall be his duty, to suspend by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the Saint Marys Falls Canal, so far as it relates to vessels owned by the subjects of the government so discriminating against the citizens, ports, or vessels of the United States, or to any cargoes, portions of cargoes, or passengers in transit to the ports of the government making

July 26, 1892.

such discrimination, whether carried in vessels of the United States or of other nations

In such case and during such suspension tolls shall be levied, collected, and paid as follows, to wit.

Upon freight of whatever kind or description, not to exceed two dollars per ton; upon passengers, not to exceed five dollars each, as shall be from time to time determined by the President:

*Provided*, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg, and south of a line drawn from the northern boundary of the State of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of the State of Minnesota.

Sec 2  
Feb 11, 1903  
Sec 10

All tolls so charged shall be collected under such regulations as shall be prescribed by the Secretary of Commerce and Labor, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien, which may be enforced against the vessel in default wherever and whenever found in the waters of the United States.

#### 166. *Vessels of nations not assimilated by treaty to American vessels*

R S, 2497  
July 24, 1897.  
Sec 23

No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

Sec. 24

The preceding section shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

167. *Discriminating duties*

A discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any Act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

R S, 2502  
Aug. 27, 1894.  
Sec 14

July 24, 1897

That a discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country, but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States, entitled at the time of such importation by treaty or convention to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade. [See opinion Attorney-General, September 20, 1897, in Treasury Decisions, Synopses 18383, 18431, and 18900, and General Appraisers, 18915.]

July 24, 1897  
Sec 22

July 24, 1897

## PART XIII—ENTRY AND CLEARANCE

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### 168 *Clearance*

R S , 4197  
April 29, 1902

The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as hereby required, the master or other person having the charge or command of such vessel shall be liable to a penalty of five hundred dollars for every such offense

### 169 *Master's oath*

R S , 4198  
Apr 29, 1902

The oath to be taken by the master or commander of the vessel shall be as follows:

District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to,) do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now deliv-

ered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof, and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be reloaded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reload the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God

#### 170 *Form of outward manifest*

The form of the report and manifest to be delivered to the collector shall be as follows

R S, 1191  
Apr 29, 1902

Report and manifest of the cargo laden at the port of \_\_\_\_\_, on board the \_\_\_\_\_, master, bound for \_\_\_\_\_ port

Marks	Numbers	Packages or articles in bulk	Contents or quantities	Value at the port of exportation

Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles, and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing.

R S, 1200  
Apr 29, 1902

171 *Form of clearance.*

R S, 4201  
Apr 20, 1902

The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows.

District of \_\_\_\_\_, ss,  
Port of \_\_\_\_\_

These are to certify all whom it doth concern, that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burden \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, \_\_\_\_\_ built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the Independence of the United States of America.

172 *State inspection laws.*

R S, 4202  
Apr 29, 1902

The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

172b *Manifests in Alaskan and insular trades*

Apr 29, 1902  
Feb 11, 1903  
Secs 7, 10

The provisions of sections four thousand one hundred and ninety-seven to four thousand two hundred, inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of Commerce and Labor shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other non-contiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States. *Provided*, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department.

173 *Bullion and coin.*

R. S., 4204

All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister,

consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

#### 174. *Live-oak timber*

Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy.

R S, 4205

#### 175. *Fees*

Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable, and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

R S, 4206  
June 19, 1880,

Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services.

R S, 420

#### 176 *Enrolled and licensed vessels in foreign trade*

If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported thereon, shall be liable to seizure and forfeiture.

R S, 4337

If the port from which any vessel, so enrolled or licensed is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

R S, 4335

Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where

R S, 4364

such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

R S, 1305

Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

#### 1777 *Oath of ownership on entry*

R S, 4173

Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel, or if any part of such vessel has been sold or transferred since the granting of such register that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

R S, 1220

Upon the entry of every such [unregistered vessel, owned by citizens of the United States, and carrying a sea-letter, or, other regular document, issued from a custom house of the United States, proving the vessel to be American property] vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the sea letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.



178 *Deposit of papers*

The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to a vessel at her departure from the port from whence she may have arrived, Mediterranean passports excepted, shall previous to entry be produced to the collector with whom such entry is to be made, and shall remain in his office; and on the clearance of such vessel the register and other documents shall be returned to the master or owner of such vessel

R S, 2790

The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to any foreign vessel, at her departure from the port from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. It shall be the duty of the master, within forty-eight hours after such entry, to deposit the papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul that the papers have been so deposited. Every master who fails to comply with this regulation shall be punishable by a fine of not less than five hundred dollars, nor more than two thousand dollars.

R S, 4209

The preceding section shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation

R S, 4210

It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register and other papers deposited with him pursuant to the provisions of the preceding section, until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be fined not less than five hundred dollars nor more than five thousand.

R S, 4211

It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States, and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding fifty dollars, unless such master shall state under oath that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving

R S, 4213  
June 26, 1884  
Sec 13

Feb 14, 1903  
Sec. 10

the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified.

*179. War documents, passports, sea-letters*

R S, 4306

Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States, or within six months, if the same shall happen at any place nearer than the Cape of Good Hope, and within eighteen months, if at a more distant place.

R S, 4307

If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

R S, 4308

Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

R S, 4309

Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers

R S, 4310

Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such consul, vice consul, commercial agent,

or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

180. *Illegal boarding of vessel*

Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title [R. S., 4501-4613] R S, 4606

The Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that [or Treasury] Department. Mar 31, 1900  
Feb 11, 1903  
Sec 10

Each person violating such regulations shall be subject to a penalty of not more than one hundred dollars or imprisonment not to exceed six months, or both, in the discretion of the court. Mar 31, 1900  
Sec 2

This Act shall be construed as supplementary to section nine of chapter three hundred and seventy-four of the Statutes of eighteen hundred and eighty two, and section forty-six hundred and six of the Revised Statutes. Sec 3

## PART XIV.—CUSTOMS LAWS DIRECTLY RELATING TO VESSELS

<p>181 Boarding and search of vessel</p> <p>182. Seizure of vessels or merchandise</p> <p>183 Exemption from forfeiture</p> <p>184. Procedure in cases of fines, penalties, and forfeiture</p> <p>185 Moieties, informers', and customs officers' awards</p>	<p>186 Procedure</p> <p>187 Limitation of time</p> <p>188 Bonded warehouses.</p> <p>189 Oaths of masters and owners</p>
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### 181 *Boarding and search of vessel*

R S , 3059

It shall be lawful for any officer of the customs, including inspectors and occasional inspectors, or of a revenue-cutter, or authorized agent of the Treasury Department, or other person specially appointed for the purpose in writing by a collector, naval officer, or surveyor, to go on board of any vessel, as well without as within his district, and to inspect, search, and examine the same, and any person, trunk, or envelope on board, and to this end to hail and stop such vessel if under way, and to use all necessary force to compel compliance; and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel, or the merchandise, or any part thereof, on board of or imported by such vessel, is liable to forfeiture, to make seizure of the same, or either or any part thereof, and to arrest, or in case of escape, or any attempt to escape, to pursue and arrest any person engaged in such breach or violation.

R S , 3060

The original appointment in writing of any person specially appointed under the provisions of the previous section shall be filed in the custom-house where such appointment is made.

R S , 3067

It shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue-cutters, to go on board of vessels in any port of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purpose of demanding the manifests, and of examining and searching the vessels; and those officers respectively shall have free access to the cabin and every other part of a vessel.

If any master of a vessel coming into or having arrived at any port within the United States shall obstruct or hinder or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel for the purpose of carrying into effect any of the revenue laws of the United States, he shall for every such offense be liable to a penalty of not more than five hundred dollars nor less than fifty dollars. R S , 3068

If any box, trunk, chest, cask, or other package shall be found in the cabin, steerage, or fore-castle of a vessel, or in any other place separate from the residue of the cargo, the officer of the customs shall take a particular account of such package, and of the marks and numbers thereof, if any, and a description thereof, and, if he judges proper, shall seal every such package; and such account and description shall be by him forwarded without delay to the collector of the district to which such vessel is bound. If upon her arrival at the port of her entry, the packages so described, or any of them, are missing, or if any seal put thereon has been broken, the master shall be liable to a penalty for every package missing, or on which any seal shall be broken, of two hundred dollars. R S , 3069

Every officer or other person authorized to make searches and seizures by this Title [R. S , 2517-3129] shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this Title, where such assistance may be necessary, and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars, nor less than five dollars. R S , 3071

#### 182. *Seizure of vessels or merchandise*

It shall be the duty of the several officers of the customs to seize and secure any vessel or merchandise which shall become liable to seizure by virtue of any law respecting the revenue, as well without as within their respective districts. R S , 3072

If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such act and the special matter in evidence. R S , 3073

In all cases of seizure of property subject to forfeiture for any of the causes named in any provision of law relating to the customs, or for the registering, enrolling, or licensing of vessels, when, in the opinion of the collector R S , 3074

or other principal officer of the revenue making such seizure, the value of the property seized does not exceed five hundred dollars, he shall cause a list and particular description of the property seized to be prepared in duplicate, and an appraisement of the same to be made by two sworn appraisers under the revenue laws, if there are such appraisers at or near the place of seizure, but if there are no such appraisers, then by two competent and disinterested citizens of the United States, to be selected by him for that purpose, residing at or near the place of seizure; which list and appraisement shall be properly attested by such collector or other officer and the persons making the appraisal. For such services of the appraisers they shall be allowed out of the revenue one dollar and fifty cents each, for every day necessarily employed in such service.

R S , 3075

If the amount of the appraisal of property so seized as forfeited shall not exceed the sum of five hundred dollars, the collector or other principal officer shall publish a notice once a week for three successive weeks in some newspaper of the county or place where such seizure shall have been made, if any newspaper shall be published in such county, but if no newspaper shall be published in such county, then such notice shall be published in some newspaper of the county in which the principal customs office of the district shall be situated, and if no newspaper shall be published in such county, then notices shall be posted in proper public places, which notices shall describe the articles seized, and state the time, cause, and place of seizure, and shall require any person claiming such articles to appear and file with such collector or other officer his claim to such articles within twenty days from the date of the first publication of such notice.

R S , 3076

Any person claiming the property so seized may, at any time within twenty days from the date of such publication, file with the collector or other officer a claim, stating his interest in the articles seized, and, upon depositing with such collector or other officer a bond to the United States in the penal sum of two hundred and fifty dollars, with two sureties, to be approved by such collector or other officer, conditioned that, in case of the condemnation of the articles so claimed, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Such collector or other officer shall transmit the same, with the duplicate list and description of the articles seized and claimed, to the United States district attorney for the district, who shall proceed for a condemnation of the property in the ordinary mode prescribed by law.

R S , 3077

If no such claim shall be filed or bond given within the twenty days above specified, such collector or other officer shall give not less than fifteen days' notice of the sale of the property so seized, by publication in the manner before mentioned; and, at the time and place specified in such notice, he shall sell at public auction the property so

seized, and shall deposit the proceeds, after deducting the actual expenses of such seizure, publication, and sale, in the Treasury of the United States, as shall be directed by the Secretary of the Treasury. The collector, however, shall have power to adjourn such sale from time to time for a period not exceeding thirty days in all

Any person claiming to be interested in the property sold under the provisions of the preceding section may, within three months after such sale, apply to the Secretary of the Treasury for a remission of the forfeiture and a restoration of the proceeds of such sale, and the same may be granted by the Secretary upon satisfactory proof, to be furnished in such manner as he shall direct, that the applicant, at the time of the seizure and sale of the property in question, did not know of the seizure, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of such property. [NOTE.—In certain cases the application will be made to the Secretary of Commerce and Labor, Feb. 14, 1903, sec. 10.]

R S, 3078

Feb 14, 1903  
Sec. 10

If no application for such remission or restoration shall be made within three months after such sale, the Secretary of the Treasury [or Secretary of Commerce and Labor] shall then cause the proceeds of such sale to be distributed in the same manner as if such property had been condemned and sold in pursuance of a decree of a competent court

R S, 3079

Feb 14, 1903  
Sec 10

Whenever seizure shall be made of any property which, in the opinion of the appraisers, is liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great disproportionate expense, whether such property consists of live animals or merchandise, and when the property thus seized shall not exceed five hundred dollars in value, and when no claim shall have been interposed therefor as is hereinbefore provided, the appraisers, if requested by the collector or principal officer making the seizure, at the time when such appraisal is made, shall certify on oath in their appraisal their belief that the property seized is liable to speedy deterioration, or that the expenses of its keeping will largely reduce the net proceeds of the sale; and in case the appraisers thus certify, such collector or other officer may proceed to advertise and sell the same at auction, by giving notice for such time as he may think reasonable, but not less than one week, of such seizure and intended sale, by advertisement as is hereinbefore provided; and the proceeds of such sale shall be deposited to the credit of the Treasurer of the United States, subject, nevertheless, to the payment of such claims as shall be presented within three months from the day of sale, and allowed by the Secretary of the Treasury.

R S, 3080.

R. S., 3081

The collectors of the several districts of the United States, in all cases of seizure of any merchandise for violation of the revenue laws, the appraised value of which, in the district wherein such seizure shall be made, does not exceed one thousand dollars, are hereby authorized, subject to the approval of the Secretary of the Treasury, to release such merchandise on payment of the appraised value thereof.

R. S., 3083

Whenever any seizure shall be made for the purpose of enforcing any forfeiture, the collector or other person causing such seizure to be made shall immediately give information thereof to the Solicitor of the Treasury.

R. S., 3086

All merchandise or property of any kind seized under the provisions of any law of the United States relating to the customs, shall, unless otherwise provided for by law, be placed and remain in the custody of the collector or other principal officer of the customs of the district in which the seizure shall be made, to abide adjudication by the proper tribunal, or other disposition according to law.

#### 183 *Exemption from forfeiture*

R. S., 3063

No railway-car or engine or other vehicle, or team, used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to forfeiture by force of the provisions of this Title [R. S., 2517-3129] unless it shall appear that the owner, superintendent, or agent of the owner in charge thereof at the time of such unlawful importation or transportation thereon or thereby was a consenting party, or privy to such illegal importation or transportation.

Feb. 8, 1881

No vessel used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to seizure or forfeiture by force of the provisions of Title thirty-four [R. S., 2517-3129] of the Revised Statutes of the United States unless it shall appear that the owner or master of such vessel at the time of the alleged illegal act was a consenting party or privy thereto.

#### 184. *Procedure in cases of fines, penalties, and forfeiture*

R. S., 3084

The several collectors of customs shall report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within their knowledge, or which may come to their knowledge from time to time, stating the names of the witnesses, and the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction. If any collector shall in any case fail to report to the proper district attorney, as prescribed in this section, such collector's right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secre-



tary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction.

District attorneys, upon receiving the report of a collector, shall cause suit and prosecution to be commenced and prosecuted without delay for the fines and personal penalties by law in such case provided, unless upon inquiry and examination they shall decide that a conviction cannot probably be obtained, or that the ends of public justice do not require that a suit or prosecution should be instituted, in which case they shall report the facts to the Secretary of the Treasury for his direction. For expenses incurred and services rendered in prosecution for such fines and personal penalties, they shall receive such allowance as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such prosecution was had. R S, 3085

The collector within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect, and is, moreover, authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law. R S, 3087

Whenever a vessel, or the owner or master of a vessel, has become subject to a penalty for a violation of the revenue laws of the United States, such vessel shall be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel to recover such penalty. R S, 3088.

Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of the prosecution. R S, 3089

#### 185. *Moieties, informers' and customs officers' awards*

All provisions of law under which moieties of any fines, penalties, or forfeitures, under the customs-revenue laws, or any share therein, or commission thereon, are paid to informers, or officers of customs, or other officers of the United States, are hereby repealed, and from and after the date of the passage of this act the proceeds of all such fines, penalties, and forfeitures shall be paid into the Treasury of the United States. June 22, 1874  
Sec 2

It shall hereafter be the duty of the Secretary of the Treasury, out of any money specifically appropriated by Congress, to make suitable compensation in certain cases under the customs revenue laws, as hereinafter provided, and not otherwise; and he shall annually report to Congress, in detail, all payments by him for such purpose. June 10, 1890  
Sec 29

June 22, 1874  
Sec 3

Sec 4

Whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise, in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, and deducting all duties, costs, and charges connected therewith.

*Provided*, That for the purposes of this act smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom house, or submitting them to the officers of the revenue for examination. And whenever any person not an officer of the United States shall furnish to a district attorney, or to any chief officer of the customs, original information concerning any fraud upon the customs-revenue, perpetrated or contemplated, which shall lead to the recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, whether by importers or their agents, or by any officer or person employed in the customs-service, such compensation may, on such recovery, be paid to such person so furnishing information as shall be just and reasonable, not exceeding in any case the sum of five thousand dollars, which compensation shall be paid, under the direction of the Secretary of the Treasury, out of any money appropriated for that purpose.

Sec 6

No payment shall be made to any person furnishing information in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established to the satisfaction of the court or judge having cognizance of such proceedings, and the value of his services duly certified by said court or judge for the information of the Secretary of the Treasury; but no certificate of the value of such services shall be conclusive of the amount thereof. And when any fine, penalty, or forfeiture shall be collected without judicial proceedings, the Secretary of the Treasury shall, before directing payment to any person claiming such compensation, require satisfactory proof that such person is justly entitled thereto.

Sec 7

Except in cases of smuggling as aforesaid, it shall not be lawful for any officer of the United States, under any pretense whatever, directly or indirectly, to receive, accept, or contract for any portion of the money which may, under any of the provisions of this or any other act, accrue to any such person furnishing information; and any such officer who shall so receive, accept, or contract for any portion of the money that may accrue as aforesaid shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding five thousand dollars, or imprisonment for not more than one year, or both, in the discretion

of the court, and shall not be thereafter eligible to any office of honor, trust, or emolument.

And any such person so furnishing information as aforesaid, who shall pay to any such officer of the United States, or to any person for his use, directly or indirectly, any portion of said money, or any other valuable thing, on account of or because of such money, shall have a right of action against such officer or other person, and his legal representatives, to recover back the same, or the value thereof.

No officer, or other person entitled to or claiming compensation under any provision of this act, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Ser 8

#### 186 *Procedure*

In all suits and proceedings other than criminal arising under any of the revenue-laws of the United States, the attorney representing the Government, whenever, in his belief, any business-book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

June 22, 1974  
Sec 5

Sec 16

It shall be the duty of any officer or person employed in the customs-revenue service of the United States, upon detection of any violation of the customs laws, forthwith to make complaint thereof to the collector of the district, whose duty it shall be promptly to report the same to the district attorney of the district in which such frauds shall be committed. Immediately upon the receipt of such complaint, if, in his judgment, it can be sustained, it shall be the duty of such district attorney to cause investigation into the facts to be made before a United States commissioner having jurisdiction thereof, and to initiate proper proceedings to recover the fines and penalties in the premises, and to prosecute the same with the utmost diligence to final judgment.

Sec 17

Whenever, for an alleged violation of the customs-revenue laws, any person who shall be charged with having incurred any fine, penalty, forfeiture, or disability other than imprisonment, or shall be interested in any vessel or merchandise seized or subject to seizure, when the appraised value of such vessel or merchandise is not less than one thousand dollars, shall present his petition to the judge of the district in which the alleged violation occurred, or in which the property is situated, setting forth, truly and particularly, the facts and circumstances of the case, and praying for relief, such judge shall, if the case, in his judgment, requires, proceed to inquire, in a summary manner into the circumstances of the case, at such reasonable time as may be fixed by him for that purpose, of which the district attorney and the collector shall be notified by the petitioner, in order that they may attend and show cause why the petition should be refused.

Sec 18

The summary investigation hereby provided for may be held before the judge to whom the petition is presented, or if he shall so direct, before any United States commissioner for such district, and the facts appearing thereon shall be stated and annexed to the petition, and, together with a certified copy of the evidence, transmitted to the Secretary of the Treasury, who shall thereupon have power to mitigate or remit such fine, penalty, or forfeiture, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued upon such terms or conditions as he may deem reasonable and just.

June 22, 1871

Sec 19

It shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws, for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abate-

ment, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years, and be fined not exceeding ten thousand dollars.

Nothing in this section shall be construed to affect any authority, power, or right which might theretofore have been lawfully exercised by any court, judge, or district attorney of the United States to obtain the testimony of an accomplice in any crime against, or fraud upon the customs-revenue laws, on any trial or proceeding for a fine, penalty, or forfeiture under said laws, by a discontinuance or dismissal, or by an engagement to discontinue or dismiss any proceedings against such accomplice Jan. 22, 1875

*Provided, however,* That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures, or to compromise the same, in accordance with existing law June 22, 1871  
Sec. 19

Whenever any application shall be made to the Secretary of the Treasury for the mitigation or remission of any fine, penalty, or forfeiture, or the refund of any duties, in case the amount involved is not less than one thousand dollars, the applicant shall notify the district attorney and the collector of customs of the district in which the duties, fine, penalty, or forfeiture accrued; and it shall be the duty of such collector and district attorney to furnish to the Secretary of the Treasury all practicable information necessary to enable him to protect the interests of the United States. Sec. 20

#### 187 Limitation of time

Whenever any goods, wares, and merchandise shall have been entered and passed free of duty, and whenever duties upon any imported goods, wares, and merchandise shall have been liquidated and paid, and such goods, wares, and merchandise shall have been delivered to the owner, importer, agent, or consignee, such entry and passage free of duty and such settlement of duties shall, after the expiration of one year from the time of entry, in the absence of fraud and in the absence of protest by the owner, importer, agent, or consignee, be final and conclusive upon all parties. June 22, 1874  
Sec. 21

No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs revenue laws of the United States shall be instituted unless such suit or action shall be commenced within three years after the time when such penalty or forfeiture shall have accrued: Sec. 22

*Provided,* That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation

**188 Bonded warehouses**June 22, 1874  
Sec. 21

The Secretary of the Treasury shall, from time to time, make such regulations as he may deem necessary for the conduct and management of the bonded warehouses, general-order stores, and other depositories of the imported merchandise throughout the United States; all regulations or orders issued by collectors of customs in regard thereto shall be subject to revision, alteration, or revocation by him; and no warehouse shall be bonded and no general-order store established without his authority and approval. And it shall be the duty of the Secretary of the Treasury, in granting permits to establish general-order warehouses, to require such warehouse or warehouses to be located contiguous, or as near as may be, to the landing places of steamers and vessels from foreign ports; and no officer of the customs shall have any personal ownership of, or interest in, any bonded warehouse or general-order store.

Sec. 25

Public cargo of merchandise in the custody of the Government shall be let after not less than thirty days' notice of such letting to lowest responsible bidder giving sufficient security, and shall be subject to regulations approved by the Secretary of the Treasury.

**189 Oaths of masters and owners,**

R. S. , 3094.

Nothing contained in this Title [R. S. , 2517-3094] shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

## PART XV.—ENTRY OF MERCHANDISE.

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<p>190. Definitions</p> <p>191. Ports of entry</p> <p>192. Vessels bound to port of delivery</p> <p>193. Report and declaration of master</p> <p>194. Special inward manifest for Treasury Department</p> <p>195. Cargo in bulk</p> <p>196. Bond of cargo for re-export</p> <p>197. Inspection of merchandise laden for export</p> <p>198. Transfer of imported merchandise for export</p> <p>199. Delivery of cargo in various districts</p> <p>200. Owner's or consignee's entry of merchandise</p> <p>201. Vessels exempt from entry</p> <p>202. Vessels exempt from certain charges</p> <p>203. Entry of wines and distilled spirits</p> <p>204. Sea-stores</p> <p>205. Coal.</p> <p>206. Baggage of passengers</p> <p>207. Baggage and tools of trade</p> <p>208. Marks, brands, and trade-marks</p> <p>209. Cigars</p> <p>210. Oaths</p> <p>211. Inward manifests</p> <p>212. Inspection of inward manifest by boarding officer</p> <p>213. Entry of merchandise at special ports</p> <p>214. Clearance at special ports</p>	<p>215. Entry of merchandise for different port of destination</p> <p>216. Comparison of cargo and manifest.</p> <p>217. Collection of duties</p> <p>218. Permit to deliver</p> <p>219. Preliminary entry and unloading.</p> <p>220. Illegal unloading</p> <p>221. Special permit to unlade by night</p> <p>222. Unloading by day</p> <p>223. Supervision of unloading</p> <p>224. Limit of time for unloading</p> <p>225. Weighing, gauging, and measuring.</p> <p>226. Unloading of wine and spirits</p> <p>227. Post entry</p> <p>228. Returns of unloading of cargo</p> <p>229. Vessels in distress</p> <p>230. Obstruction by ice</p> <p>231. Unlawful removal of bonded merchandise.</p> <p>232. Transportation in bond</p> <p>233. Transportation to special ports</p> <p>234. Immediate delivery</p> <p>235. Immediate transportation</p> <p>236. Salvage of merchandise</p> <p>237. Bond of firm or partnership</p> <p>238. Refund of customs duties</p> <p>239. Fraudulent importation of merchandise</p> <p>240. Bribery and solicitation of bribes</p> <p>241. Express packages.</p> <p>242. Liens for freight or general average</p>
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### 190. *Definitions*

The word "merchandise," as used in this Title [R. S., 2517-3129], may include goods, wares, and chattels of every description capable of being imported. R S, 2766

The word "port," as used in this Title [R. S., 2517-3129], may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported. R S, 2767

The word "master," as used in this Title [R. S., 2517-3129], may include any person having the chief charge or command of the employment and navigation of a vessel. R S, 2768

In cases where the forms of official documents, as prescribed by this Title [R. S., 2517-3129], shall be substantially complied with and observed, according to the true R S, 2769

intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

**191. *Ports of entry***

R S, 2770

It shall not be lawful to make entry of any vessel which shall arrive within the United States, from any foreign port, or of the cargo on board such vessel, elsewhere than at one of the ports of entry designated in chapter one [R. S., 2517–2612] of this Title [R. S., 2517–3129]; nor to unlade the cargo, or any part thereof, elsewhere than at one of the ports of delivery therein designated, except that every port of entry shall be also a port of delivery. This section shall not prevent the master or commander of any vessel from making entry with the collector of any district in which such vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

[For list of ports of entry and delivery see paragraph 458.]

R S, 2771

Vessels which are not vessels of the United States shall be admitted to unlade only at ports of entry established by law; and no such vessel shall be admitted to make entry in any other district than in the one in which she shall be admitted to unlade.

**192. *Vessels bound to port of delivery***

R S, 2772

The master of every vessel bound to a port of delivery only, in any district, shall first come to at the port of entry of such district, with his vessel, and there make report and entry in writing, and pay all duties required by law, port fees and charges, before such vessel shall proceed to her port of delivery. Any master of a vessel who shall proceed to a port of delivery contrary to such directions shall be liable to a penalty of five hundred dollars, to be recovered with costs of suit.

**193. *Report and declaration of master***

R S, 2771.

Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel, and he shall, within forty-eight hours after such arrival, make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in, and verified like, a manifest. Every master who shall neglect or omit to make either of such reports and declarations, or to verify any such declaration as required, or shall not fully comply with the true intent and meaning of this



section, shall, for each offense, be liable to a penalty of one thousand dollars

The master of any vessel having on board distilled spirits, or wines, shall, within forty-eight hours after his arrival, whether the same be at the first port of arrival of such vessel or not, in addition to the requirements of the preceding section, report in writing to the surveyor or officer acting as inspector of the revenue of the port at which he has arrived, the foreign port from which he last sailed, the name of his vessel, his own name, the tonnage and denomination of such vessel, and to what nation belonging, together with the quantity and kinds of spirits and wines, on board of the vessel, particularizing the number of casks, vessels, cases, or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits and wines, on board such vessel as sea-stores, and in default thereof he shall be liable to a penalty of five hundred dollars and any spirits omitted to be reported shall be forfeited R S , 2775

If any vessel, having arrived within the limits of any collection-district, from any foreign port, departs, or attempts to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master with the collector of some district, the master shall be liable to a penalty of four hundred dollars, and any collector, naval officer, surveyor, or commander of any revenue-cutter may cause such vessel to be arrested and brought back to the most convenient port of the United States. If, however, it is made to appear by the oath of the master, and of the person next in command, or by other sufficient proof to the satisfaction of the collector of the district within which such vessel shall afterward come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the departure or attempt to depart was occasioned by stress of weather, pursuit or duress of enemies, or other necessity, the penalty imposed by this section shall not be incurred. R S , 2773

#### 194. *Special inward manifest for Treasury Department*

Each master of a vessel arriving in the United States from a foreign port except vessels carrying traffic in bond on transfer ferries shall, immediately upon landing and before entering his vessel at the custom-house, mail to the Auditor for the Treasury Department, Washington, a true copy of the manifest of his vessel, and shall on entering his vessel make affidavit that he has mailed such copy and that the same is true and correct; and he shall also mail to the said Auditor a true copy of the corrected manifest filed on any post entry of his vessel. Any master who neglects or refuses to mail to the Auditor the required copy of the original or corrected manifest shall be subject to the same fines and penalties fixed by law for his failure to deliver

Mar 2, 1895  
Sec 9

the manifest of his vessel to the collector: *Provided*, That this section shall not apply to ports where there is a naval officer.

**195** *Cargo in bulk*

R S, 2776  
June 26, 1894  
Sec 29

Feb 14, 1903  
Sec 10

Vessels arriving at a port of entry in the United States, laden with coal, salt, railroad iron and other like articles in bulk may proceed to places within that collection district to be specially designated by the Secretary of Commerce and Labor by general regulations or otherwise, under the superintendence of customs officers, at the expense of the parties interested, for the purpose of unloading cargoes of the character before mentioned.

**196** *Bond of cargo for re-export*

R S, 2776

Any vessel may proceed with any merchandise brought in her, and, in the manifest delivered to the collector of the customs, reported as destined for any foreign port, from the district within which such vessel shall first arrive to such foreign port without paying or securing the payment of any duties upon such merchandise as shall be actually re-exported in the vessel. But the manifest so declaring to re-export such merchandise shall be delivered to such collector within forty-eight hours after the arrival of the vessel. And the master of such vessel shall give bond as required by the next section

R S, 2777

The master of any vessel so destined for a foreign port shall give bond, with one or more sureties, in a sum equal to the amount of the duties upon the merchandise, as the same shall be estimated by the collector and naval officer of the port where the report shall be made, to the satisfaction of the collector, with condition that the merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made and the duties thereupon paid, according to law. Such bond shall be taken for the same period, and canceled in like manner, as a bond given for obtaining drawback of duties. No such bond shall be required in respect to merchandise on board of any vessel which has put into the United States from a necessity, shown as prescribed in section twenty-seven hundred and seventy-three.

R S, 2778

The collector receiving any bond conditioned for the payment of duties upon merchandise reported as destined for a foreign port, in case the same shall be landed within the United States, or any other bonds taken upon the exportation of merchandise entitled to drawback, shall immediately after the time when by the conditions of the same they ought to be canceled, put the same in suit, provided the proof of the occurrence of such a necessity as excuses a landing of such goods within the United States has not been produced, or further time granted therefor by the Secretary of the Treasury.

197 *Inspection of merchandise laden for export*

The collector shall direct the surveyor, where any, to inspect, or cause to be inspected, the merchandise notified for exportation, and if it is found to correspond fully with the notice and proof concerning the same, the collector, together with the naval officer, if any, shall grant a permit for lading the same on board of the vessel named in such notice and entry. Such lading shall be performed under the superintendence of the officer by whom the same has been so inspected; and the exporter shall make oath that the merchandise, so noticed for exportation, and laden on board such vessel, previous to the clearance thereof, or within ten days after such clearance, is truly intended to be exported to the place whereof notice has been given, and is not intended to be relanded within the United States; otherwise the merchandise shall not be entitled to the benefit of drawback.

R. S. , 3035

198 *Transfer of imported merchandise for export.*

All merchandise imported into the United States, the duties on which have been paid, or secured to be paid, may be transported by land, or partly by land and partly by water, or coastwise, from the district into which it was imported to any port of entry and exported from such port of entry with the benefit of drawback.

R S , 3036

199. *Delivery of cargo in various districts.*

Any vessel in which any merchandise is brought into the United States from any foreign port, and which is specified in the manifest verified before the collector of the port in which such vessel first arrives, to be destined for other districts, may proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the merchandise only as shall be landed in any district shall be paid within such district.

R S , 2779

Before any vessel departs from the district in which she shall first arrive for another district, provided such departure is not within forty-eight hours after her arrival within such district, with merchandise brought in such vessel from a foreign port on which the duties have not been paid, the master shall obtain from the collector of the district from which she is about to depart, who is hereby required to grant the same, a copy of the report and manifest made by such master, certified by the collector, to which copy shall be annexed a certificate of the quantity and particulars of the merchandise which appears to him to have been landed within his district, or of the quantity and particulars of the merchandise which remains on board and upon which the duties are to be paid in some other district.

R S , 2780

Within twenty-four hours after the arrival of such vessel within any other district, the master shall make report or entry to or with the collector of such other district,

R S , 2781

producing and showing the certified copy of his first report, together with a certificate from each collector of any other district within which any of the merchandise, brought in such vessel, has been landed, of the quantity and particulars of such merchandise as has been landed in each district respectively

R S, 2782

The master shall, however, first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the vessel first arrives, in a sum equal to the amount of the duties on the residue of the merchandise, according to such estimate as the collector shall form thereof, with condition that the residue of such merchandise shall be duly entered and delivered in another district for which the same has been reported to be destined.

R S, 2783

The bond shall be canceled or discharged within six calendar months from the date thereof, by the production of certificates from the collectors of the districts for which the merchandise has been reported, showing the due entry and delivery of the merchandise in such districts, or upon due proof to the satisfaction of the collector by whom the bond was taken, and to the naval officer of the port, if any, that such entry and delivery were prevented by some unavoidable accident or casualty, and if the whole or any part of the merchandise has not been lost, that it has been duly entered and delivered within the United States.

R S, 2784

If the master of any such vessel fails by his neglect or fault to obtain the copy of his report from the collector of the district from which he is about to depart, or any certificate which he ought to obtain, or neglects to exhibit the same to the collector of any other district to which the vessel afterward proceeds, within the time for that purpose allowed, he shall be liable to a penalty, for every such neglect or omission, of five hundred dollars.

#### 200 *Owner's or consignee's entry of merchandise*

R S, 2785

The owner or consignee of any merchandise on board of any such vessel, or, in case of his absence or sickness, his known agent or factor in his name, shall, within fifteen days after the report of the master to the collector of the district for which such merchandise shall be destined, make entry thereof in writing with the collector, and shall in such entry specify the name of the vessel and of her master, in which, and the port or place from which such merchandise was imported, the particular marks, numbers, denomination, and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or, if in bulk, the quantity, quality, and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out. Such entry shall be subscribed by the person making it, if the owner or consignee, in his own name, or, if another person, in his name as agent or factor, for the owner or consignee. The person making such entry shall

also produce to the collector and naval officer, if any, the original invoices of the merchandise, or other documents received in lieu thereof, or concerning the same, in the same state in which they were received, with the bills of lading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer who have compared and examined them.

The entries to be made by any importer, consignee, or agent, under the preceding section, shall be verified by the oath of the person making the same. R S, 2786

Whenever any entry is made with the collector of any district, of merchandise imported into the United States subject to duty, by any agent, factor, or person, other than the person to whom it belongs, or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person, in the penal sum of one thousand dollars, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to an entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs. In case of the payment of the duties at the time of entry, by any factor or agent, on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within ninety days from the date of such bond. R S, 2787

Where the particulars of any merchandise are unknown, in lieu of the entry prescribed by section twenty-seven hundred and eighty-five, an entry thereof shall be made and received according to the circumstances of the case; the party making the same declaring upon oath all that he knows or believes concerning the quality and particulars of the merchandise, and that he has no other knowledge or information concerning the same. R S, 2788

Whenever an entry of merchandise is imperfect, for want of invoices, bills of lading, or for any other cause, the collector shall take the merchandise into his custody, until the quantity, quality, or value thereof, as the case may require, can be ascertained. R S, 2789

#### 201. *Vessels exempt from entry.*

It shall not be necessary for the master of any vessel of war, or of any vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of merchandise, in the way of trade, to make report and entry. R S, 2791

R S, 2792

Vessels used exclusively as ferry-boats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law

**202. *Vessels exempt from certain charges***

R S, 2793

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

**203 *Entry of wines and distilled spirits***

R S, 2794

Every importer of distilled spirits or wines, or person to whom distilled spirits or wines are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and her master, in which, and the place from which, such spirits or wines were imported, together with the quantity and quality thereof, and a particular detail of the casks or receptacles containing the same, with their marks and numbers; such entry shall be subscribed by the person making the same, for himself, or in behalf of the person to whom such entry is made, and shall be certified by the collector, before whom it is made, as a true copy, and conformable to the general entry before directed, in respect to all distilled spirits and wines therein contained; such entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port where it is intended to commence the delivery of such spirits or wines.

**204. *Sea-stores***

R S, 2795

In order to ascertain what articles ought to be exempt from duty as the sea-stores of a vessel, the master shall particularly specify the articles, in the report or manifest to be by him made, designating them as the sea-stores of such vessel; and in the oath to be taken by such master, on making such report, he shall declare that the articles so specified as sea-stores are truly such, and are not intended by way of merchandise or for sale; whereupon the articles shall be free from duty.

R. S., 2796

Whenever it appears to the collector to whom a report and manifest of sea stores are delivered, together with the naval officer, where there is one, or alone, where there is no naval officer, that the quantities of the articles, or any

part thereof, reported as sea-stores, are excessive, the collector, jointly with the naval officer, or alone, as the case may be, may in his discretion estimate the amount of the duty on such excess; which shall be forthwith paid by the master, to the collector, on pain of forfeiting the value of such excess.

If any other or greater quantity of articles are found on board such vessel as sea-stores than are specified in an entry of sea-stores, or if any of the articles are landed without a permit first obtained from the collector, and naval officer if any, for that purpose, all such articles as are not included in the report or manifest by the master, and all which are landed without a permit, shall be forfeited, and may be seized; and the master shall moreover be liable to a penalty of treble the value of the articles omitted or landed.

R S , 2797

Sea stores and the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States delayed in port for any cause may be transferred in such port of the United States under the supervision of the customs officers from one vessel to another vessel of the same owner without payment of duties, but duties must be paid on such stores or equipments landed for consumption, except American products.

Mar 3, 1897  
Sec 17

#### 205. *Coal.*

The master of any vessel propelled by steam, arriving at any port in the United States, may retain all the coal such vessel may have on board at the time of her arrival, and may proceed with such coal to a foreign port, without being required to land the same in the United States, or to pay any duty thereon.

R S , 2798

#### 206 *Baggage of passengers*

Any baggage or personal effects arriving in the United States in transit to any foreign country may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained, without the payment or exaction of any import duty, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe

R S , 2803  
June 10, 1890  
Sec 28.

#### 207 *Baggage and tools of trade*

In order to ascertain what articles ought to be exempted as the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, due entry thereof, as of other merchandise, but separate and distinct from that of any other merchandise, imported from a foreign port, shall be made with the collector of the district in which the articles are intended to be landed by the owner thereof,

R S , 2799

or his agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers, and the person who shall make the entry shall take and subscribe an oath before the collector, declaring that the entry subscribed by him and to which the oath is annexed contains, to the best of his knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, specifying the name of the vessel, of her master, and of the port from which she has arrived; and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or, as the case may be, tools of trade, specifying it; that they are all the property of a person named who has arrived, or is shortly expected to arrive in the United States, and are not directly or indirectly imported for any other, or intended for sale.

R. S., 2800

Whenever the person making entry of any articles as wearing apparel, personal baggage, tools, or implements, is not the owner of them, he shall give bond with one or more sureties, to the satisfaction of the collector, in a sum equal to the duties on like articles imported subject to duty, upon the condition that the owner of the articles shall, within one year, personally make an oath such as is prescribed in the preceding section.

R. S., 2801

On compliance with the two preceding sections, and not otherwise, a permit shall be granted for landing such articles. But whenever the collector and the naval officer, if any, think proper, they may direct the baggage of any person arriving within the United States to be examined by the surveyor of the port, or by an inspector of the customs, who shall make a return of the same; and if any articles are contained therein which in their opinion ought not to be exempted from duty, due entry of them shall be made and the duties thereon paid.

R. S., 2802

Whenever any article subject to duty is found in the baggage of any person arriving within the United States, which was not, at the time of making entry for such baggage, mentioned to the collector before whom such entry was made, by the person making entry, such article shall be forfeited, and the person in whose baggage it is found shall be liable to a penalty of treble the value of such article.

R. S., 2808

Any baggage or personal effects arriving in the United States, in transit to any foreign country, may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign destination, under such rules, regulations, and fees as the Secretary of the Treasury may prescribe. [Canceled, see p. 177.]



**208. Marks, brands, and trade-marks**

All articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, shall, respectively, be plainly marked, stamped, branded, or labeled in legible English words, in a conspicuous place, so as to indicate the country of their origin and the quantity of their contents; and until so marked, stamped, branded, or labeled they shall not be delivered to the importer: should any article of imported merchandise be marked, stamped, branded, or labeled so as to indicate a quantity, number, or measurement in excess of the quantity, number, or measurement actually contained in such article, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

Aug 27, 1894  
Sec 5  
July 24, 1897  
Sec 8

No article of imported merchandise which shall copy or simulate the name or trade-mark of any domestic manufacture or manufacturer, or which shall bear a name or mark, which is calculated to induce the public to believe that the article is manufactured in the United States, shall be admitted to entry at any custom-house of the United States. And in order to aid the officers of the customs in enforcing this prohibition any domestic manufacturer who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs.

Aug 27, 1894  
Sec 6  
July 24, 1897  
Sec 11

**209 Cigars**

No cigars shall be imported unless the same are packed in boxes of not more than five hundred cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package; and all cigars on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, and also a serial number to be recorded in the custom-house. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps, and to make all necessary regulations for carrying the above provisions of law into effect

R S, 2804.

Aug 27, 1894  
Sec 26

**210. Oaths**

All oaths to be taken upon making of any of the reports or entries, or respecting any of the acts mentioned in this chapter [R. S. 2766-2866], whether by a master of any

R S, 2805

vessel, or the owner or consignee of any merchandise, his factor or agent, or by any other person, shall be administered by the collector, or officer to or with whom the report or entry is made, and shall be reduced to writing, and subscribed by the person taking and by the person administering the oath.

Sept 30, 1890

And such clerks and inspectors of customs as the Secretary of the Treasury may designate for the purpose shall be authorized to administer oaths, such as deputy collectors of customs are now authorized to administer, and no compensation shall be paid or charge made therefor

#### 211. *Inward manifests*

R S , 2806

No merchandise shall be brought into the United States, from any foreign port, in any vessel unless the master has on board manifests in writing of the cargo, signed by such master.

R S , 2807

Every manifest required by the preceding section shall contain:

First. The name of the ports where the merchandise in such manifest mentioned were taken on board, and the ports within the United States for which the same are destined, particularly noting the merchandise destined for each port respectively.

June 3, 1892

*Provided, however,* That the master of a vessel laden exclusively either with sugar, coal, salt, hides, dyewoods, wool, or jute butts, consigned to one consignee, arriving at a port for orders, may be permitted to destine such cargo or determine its disposition "for orders," upon entering the vessel at the custom-house, and, within fifteen days afterward and before the unloading of any part of the cargo, to amend the manifest by designating the actual port of discharge of such cargo

*Provided further,* That in the event of failure to designate the port of discharge within fifteen days such cargo must be discharged at the port where the vessel entered.

R. S , 2807

Second. The name, description, and build of the vessel, the true admeasurement or tonnage thereof; the port to which such vessel belongs; the name of each owner, according to the register of the same, and the name of the master of such vessel.

Third. A just and particular account of all the merchandise, so laden on board, whether in packages or stowed loose, of any kind or nature whatever, together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether leaguer, pipe, butt, puncheon, hogshead, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle, parcel, cask, or package, of any kind or sort, describing the same by its usual name or denomination.

Fourth. The names of the persons to whom such packages are respectively consigned, agreeably to the bills of

lading signed for the same, unless when the goods are consigned to order, when it shall be so expressed in the manifest.

Fifth. The names of the several passengers on board the vessel, distinguishing whether cabin or steerage passengers, or both, with their baggage, specifying the number and description of packages belonging to each respectively.

Sixth. An account of the sea-stores remaining, if any.

If merchandise shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered shall be inserted in successive order in the manifest, and all spirits and wines constituting the whole or any part of the cargo of any vessel shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities, and quantities thereof.

R. S., 2808.

If any merchandise is brought into the United States in any vessel whatever from any foreign port without having such a manifest on board, or which shall not be included or described in the manifest, or shall not agree therewith, the master shall be liable to a penalty equal to the value of such merchandise not included in such manifest; and all such merchandise not included in the manifest belonging or consigned to the master, mate, officers, or crew of such vessel, shall be forfeited.

R. S., 2809.

Whenever it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the officers is not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of any vessel without proper manifests was unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for in the report of the master, and that the manifests have been lost or mislaid, without fraud or collusion, or were defaced by accident, or became incorrect by mistake, no forfeiture or penalty shall be incurred under the preceding section.

R. S., 2810.

#### **212** *Inspection of inward manifests by boarding officers.*

Every master of any vessel laden with merchandise, and bound to any port in the United States shall, on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks, or inlets thereof, upon demand, produce the manifests in writing, which such master is required to have on board his vessel, to such officer of the customs as first comes on board his vessel, for inspection, and shall deliver to such officer true copies thereof, which copies shall be provided and subscribed by the master, and the officer to whom the original manifests have been produced shall certify upon the back thereof that the same were produced, and the day and

R. S., 2811.

year on which the same were so produced, and that such copies were to him delivered and by him examined with the original manifest; and shall likewise certify upon the back of such copies the day and year on which the same were delivered, and shall forthwith transmit such copies to the respective collectors of the several districts, to which the goods by such manifests appear respectively to be consigned

R S, 2812

The master of any such vessel shall in like manner produce to the officer of the customs who first comes on board such vessel, upon her arrival within the limits of any collection-district in which the cargo, or any part thereof, is intended to be discharged or landed, for his inspection, such manifest, and shall also deliver to him true copies thereof, such copies also to be provided and subscribed by the master, the production of which manifests and the delivery of which copies shall also be certified by the officer of the customs, upon the back of the original manifests, with the particular day and year when such manifests were produced to such officer, and when he so received the copies thereof; and such officer is required forthwith to transmit the copies of the manifest to the collector of the district; and the master shall afterward deliver the original manifests so certified to the collector. When any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master producing the same shall be required to make oath that no officer has applied for, and that no indorsement has taken place on, any manifest of the cargo of such vessel.

R S, 2813

The master of any such vessel shall not be required to make delivery of more than one copy of each manifest to the officer who shall first come on board of such vessel, within four leagues of the coast of the United States, and one other copy to such officer as shall first come on board within the limits of any collection-district, for which the cargo of such vessel, or some part thereof, is destined, nor to make delivery of any such copy to any other officer; but it shall be sufficient, in respect to any such other officer, to exhibit to him the original manifests and the certificates thereupon.

R S, 2814.

If the master of any vessel laden with merchandise, and bound to any port in the United States, fails upon his arrival within four leagues of the coast thereof, or within the limits of any collection-district, where the cargo of such vessel, or any part thereof, is intended to be discharged, to produce such manifests as are heretofore required, in writing, to the proper officer upon demand therefor, or to deliver such copies thereof, according to the directions of the preceding sections, or if he fails to give an account of the true destination of the vessel, which he is hereby required to do, upon request of such officer, or gives a false account of such destination, in order to evade the production of the manifests, the master shall for every

such neglect, refusal, or offense, be liable to a penalty of not more than five hundred dollars. If any officer first coming on board, in each case, shall neglect or refuse to certify on the back of such manifests the production thereof, and the delivery of such copies respectively as are directed to be delivered to such officer, such officer shall be liable to a penalty of five hundred dollars.

The officers who may apply to the master of any such vessel, respecting any of the provisions in the preceding sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, as soon as possible, to the collector of the district to which such vessel shall be considered to be bound. R S , 2816

Collectors and surveyors, respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such vessel may be destined. If the master of any vessel shall neglect or omit to deposit a manifest as herein prescribed, or shall refuse to receive an inspector of the customs on board, as the case requires, he shall forfeit and pay five hundred dollars, to be recovered with cost of suit, one-half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which such vessel may be bound. If, however, the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter made in that behalf, the depositing of a manifest shall not be necessary. R S , 2834  
Mar 3, 1897  
Sec 15

### 213. *Entry of merchandise at special ports*

When any merchandise is intended to be imported from any foreign country into the port of Albany, upon the Hudson River, in New York, such merchandise may be entered at any port of entry and thereafter transported to Albany, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive. R S , 2816

When any merchandise is intended to be imported from any foreign country into the port of Augusta, upon the Savannah River, in Georgia, such merchandise may be entered at the port of Savannah and thereafter transported, either by the river or by railroad, to Augusta, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive. R S , 2817

When any merchandise is intended to be imported from any foreign country into the port of Pilatka, upon the Saint John's River, in Florida, such merchandise may be entered at Saint John's, and thereafter transported to Pilatka upon compliance with sections twenty-eight hundred R. S. , 2818.

and twenty-five to twenty-eight hundred and thirty-one, inclusive.

R S, 2819

When any merchandise is intended to be imported from any foreign country to the port of Bayport, in Florida, such merchandise may be entered at Cedar Key, and thereafter transported to Bayport, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

R S, 2820

When any merchandise is intended to be imported from any foreign country into the port of Selma, upon the Alabama River, in Alabama, such merchandise may be entered at Mobile, and thereafter transported to Selma, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

R S, 2821.

When any merchandise is intended to be imported from any foreign country into the port of Houston, upon Buffalo Bayou, in Texas, such merchandise may be entered at the port of Galveston and thereafter transported to Houston, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

R S, 2822

When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, being ports upon the Mississippi River and its tributaries, namely, Pittsburg, in Pennsylvania; Wheeling, in West Virginia; Cincinnati, in Ohio; Louisville, in Kentucky; Saint Louis, in Missouri; and Nashville, in Tennessee; such merchandise may be entered at the port of New Orleans, or at either of such ports of entry on the sea-board as may be designated by the Secretary of the Treasury, and thereafter transported to the port of delivery for which the same is intended, by such inland routes as the Secretary of the Treasury may designate, under such rules and regulations not inconsistent with law as he may prescribe, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

Feb 14, 1903  
Sec 10

R S, 2823

When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, namely; Parkersburg, in West Virginia; Paducah, in Kentucky; Saint Joseph and Kansas City, in Missouri; Memphis, in Tennessee; Alton, Galena, Quincy, and Cairo, in Illinois; Evansville, New Albany, Madison, and Jeffersonville, in Indiana; Keokuk, Dubuque, and Burlington, in Iowa; Leavenworth, in Kansas, and Omaha, in Nebraska, such merchandise may be entered at the port of New Orleans, and thereafter transported to the port of delivery for which the same is intended, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

The importer of any merchandise destined for any of the ports mentioned in the eight preceding sections shall deposit in the custody of the surveyor of such port of delivery a schedule of the goods so intended to be imported, with an estimate of their cost at the place of exportation, whereupon the surveyor shall make an estimate of the amount of duties accruing on the same, and the importer or consignee shall give bond, with sufficient sureties, to be approved by the surveyor, in double the amount of the duties so estimated, conditioned for the payment of the duties on such merchandise, ascertained as hereinafter directed, and the surveyor shall forthwith notify the collector at the port of entry for the collection-district to which such port of delivery is attached, of the same, by forwarding to him a copy of bond and schedule.

R S, 2825  
Mar 8, 1897  
Sec 16

The master or conductor of any such vessel or vehicle arriving at either of the ports named in sections twenty-eight hundred and sixteen to twenty-eight hundred and twenty-four, inclusive, on board of which merchandise shall have been shipped at such port of entry, shall, within eighteen hours next after the arrival, and previously to unloading any part of such merchandise, deliver to the surveyor of such port the manifest of the same, certified by the collector, at the port of entry, and shall make oath before the surveyor that there was not, when he departed from the port of entry, any more or other merchandise on board such boat, vessel, or vehicle so imported than is therein mentioned. If the master of such vessel or vehicle shall neglect or refuse to deliver the manifests within the time herein directed, he shall be liable to a penalty of one hundred dollars.

R S, 2829

All vessels proceeding to the ports of Natchez or Vicksburg from any foreign port shall stop and report their arrival at the port of New Orleans; and before any such vessel shall proceed on her voyage to Natchez or Vicksburg the collector for the district of New Orleans shall order on board any such vessel a custom-house officer, who shall remain on board such vessel until her arrival at Natchez or Vicksburg. Such custom-house officer shall take possession of and safely keep all the papers belonging to such vessel having relation to the freight or cargo on board, which papers he shall deliver to the collector at Natchez or Vicksburg immediately after his arrival at that port, and any such vessel, which shall depart from New Orleans without such custom-house officer on board, shall be subject to all the pains and penalties provided for by law for a violation of the revenue laws.

R S, 2832.

The expenses of the custom-house officer who may be put on board any such vessel bound for Natchez or Vicksburg at New Orleans, from the time of his being put on board until his return to New Orleans, shall be paid by the owner of such vessel.

R S, 2833

The master of any vessel arriving within the districts of Petersburg or Richmond, laden with merchandise,

R S, 2836

belonging or consigned to persons resident within both the districts, shall make entry of such vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such vessel, shall actually reside, and the master shall, at the time of making the entry, deliver a duplicate manifest of the cargo to the collector, whose duty it shall then be to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such merchandise shall be authorized by permits from the collector of each district, respectively, in which the same has been duly entered according to law. No importer, owner, or consignee of merchandise, residing in either district, shall, however, be admitted to make an entry of such merchandise with the collector of the district in which such importer, owner, or consignee does not reside. All entries, moreover, for merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such vessel may discharge.

R. S., 2520

Vessels owned in whole or in part in the towns of Edgecomb and Newcastle in Maine, having entered in due form of law at the port of Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of those towns which adjoin Sheepscut River.

R. S., 2524

Merchandise destined for either of the towns of Kittery or Berwick, in Maine, may be, at the option of the master of the vessel, entered and permit for the delivery thereof obtained, either in the district of Portsmouth, in the State of New Hampshire, or in the district of York, in the State of Maine.

R. S., 2527

All cargoes chargeable with duties intended for delivery at the port of Greenport, in the State of New York, shall be entered and the duties paid at the port of Sag Harbor, before permission shall be granted to discharge the same at Greenport.

R. S., 2540.

All merchandise chargeable with duties intended for delivery at the port of Cold Spring, on the north side of Long Island, in the State of New York, or at the port of Port Jefferson, in that State, shall be entered and the duties paid at the port of New York, before permission shall be granted to discharge the same at Cold Spring or Port Jefferson.

R. S., 2581

All merchandise transported in bond to the port of Brownsville from any other port of the United States, by Brazos Harbor, may, on arrival in that harbor, be transhipped under such regulations, not inconsistent with law, as the Secretary of the Treasury may prescribe, in other vessels for transportation by the Rio Grande to Brownsville; and all merchandise imported into the district by Brazos Harbor, from any foreign country, may in like manner be transhipped to Brownsville as provided for goods, wares, and merchandise transhipped in bond.

Feb 14, 1903  
Sec 10



The master of every vessel entering the Columbia River from the sea, and bound for Portland, in the district of Willamette, shall exhibit his papers to the collector of the port of Astoria, and deposit with him a sworn copy of the manifest of cargo. If the vessel is laden with domestic merchandise or merchandise in bond for Portland, the collector at Astoria shall permit her to proceed to her place of destination; but if she has dutiable merchandise on board not bonded, he shall cause a customs officer to proceed on board the vessel to Portland, who shall see that no goods are landed from such vessel before her arrival and entry at the latter port. The necessary expenses, including the per diem of such officer and the expense of his return to Astoria, shall be paid by the master of such vessel to the collector of customs at Portland, for the use of the United States, before permit shall be given to unload

R S , 2538

When a vessel shall arrive at Astoria, in the district of Oregon, from sea, having merchandise on board for that place and also for Portland, in the district of Willamette, such vessel shall enter at Astoria and discharge such portion of her cargo as is destined for that place, whereupon the collector shall cause her hatches to be closed and sealed, and shall then permit her to proceed to Portland in charge of a customs officer.

R S , 2590

Merchandise imported into the port of Louisville, and destined for Jeffersonville, may be landed and warehoused at Jeffersonville, under the custody and control of the surveyor of the port of Louisville.

R S , 2967

The Secretary of the Treasury may extend the privileges of the provisions relating to warehouses, and the regulations of the Treasury Department relating thereto, to the port of Albany.

R S , 2968

The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia, and the collector of the district of New York may grant like permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than eight hundred dollars, the permit shall not be deemed necessary.

R S , 4332

R S , 4383

The owner or consignee of all merchandise transported under the provisions of the preceding section and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which such merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of fifty dollars for every twenty-four hours it shall be withheld afterward.

*214. Clearance at special ports*

R S , 2554

Any vessel owned by or consigned to any person in the collection-district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburg, by such owner or consignee, may be cleared by the collector of the district of Richmond, on application of the owner, consignee, or captain of such vessel.

R. S , 2589

All vessels clearing from Portland, in the district of Wilamette, and bound to sea, shall, on arrival at Astoria, in the district of Oregon, report to the collector; and the master of every vessel so reporting shall leave a copy of his manifest, including any additional cargo taken on board after leaving Portland, with the collector at Astoria, and thereupon shall be allowed to proceed to sea. The master or other person in charge or command of any vessel entering the Columbia River from the sea, or clearing from Portland and bound to sea as described in this section, who shall neglect to exhibit his papers, or to report to the collector, or to deposit his manifest, as herein required, shall be liable to a penalty of one hundred dollars.

R S , 4208

The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board.

*215. Entry of merchandise for different port of destination*

R S , 2820

The importer, or his agent, may enter merchandise at the port of entry for the collection-district into which it is to be imported in the usual manner; and the collector shall grant a permit for the landing thereof, and cause the duties to be ascertained as in other cases, the goods remain-

ing in the custody of the collector until reshipped for the place of destination. The collector shall certify to the surveyor at such place the amount of such duties, which the surveyor shall enter on the margin of the bond given to secure the same, and the merchandise shall be delivered by the collector to the agent of the importer or consignee, duly authorized to receive the same, for shipment to the place of destination.

The master or conductor of every vessel or vehicle in which such merchandise shall be transported, shall, previously to departure from the port of entry, deliver to the collector duplicate manifests of such merchandise, specifying the marks and numbers of every case, bag, box, chest, or package, containing the same, with the name and place of residence of every importer or consignee of such merchandise, and the quantity shipped to each, to be by him subscribed, and to the truth of which he shall swear, and that the merchandise has been received on board his vessel or vehicle, stating the name of the agent who shipped the same, and the collector shall certify the facts, on the manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the place of his destination. R S , 2827

If any vessel or vehicle having such merchandise on board shall depart from the port of entry without having complied with the provisions of the preceding section, the master or conductor thereof shall be liable to a penalty of five hundred dollars. R S , 2828

#### 216 *Comparison of cargo and manifest*

The surveyor at the port of delivery shall cause the casks, bags, boxes, chests, or packages, to be inspected, and compared with the manifests, and the same being identified he shall grant a permit for unloading the same, or such part thereof as the master or conductor shall request; and when a part only of such merchandise is intended to be landed the surveyor shall make an indorsement on the back of the manifests, designating such part, specifying the articles to be landed, and shall return the manifests to the master or conductor, indorsing thereon his permission to such vessel or vehicle to proceed to the place of its destination. R S , 2830

#### 217 *Collection of duties.*

The collector at such port of entry shall permit no entry to be made of merchandise, where the duty on the same shall exceed the amount of the bond deposited with the surveyor, nor shall the surveyor receive the bond of any person for a sum less than fifty dollars. When the bond has been completed, and the actual amount of duty ascertained and certified on the margin, the surveyor of the port where the bond is taken shall collect said duties and pay the same into the Treasury of the United States. R S , 2831

**218. Permit to deliver**

R S , 2869

The collector jointly with the naval officer, if any, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the merchandise to which the entry of any owner or consignee, his factor or agent, shall relate, which estimate shall be indorsed upon such entry and signed by the officer making the same. The amount of the estimated duties having been first paid, or secured to be paid, pursuant to the provisions of this Title, [R S. 2517-3129] the collector shall, together with the naval officer, where there is one, or alone where there is none, grant a permit to deliver the merchandise, whereof entry has been so made, and then, and not before, it shall be lawful to deliver the merchandise.

June 5, 1894  
Sec 2

R S , 2870

All permits shall specify, as particularly as may be, the merchandise to be delivered, namely, the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogshead, barrel, keg, or any other packages whatever, with the mark and number of each package, and, as far as circumstances will admit, the contents thereof, together with the names of the vessel and master, in which and the place from whence they were imported; and no merchandise shall be delivered by any inspector or other officer of the customs that does not fully agree with the description thereof in such permit.

**219 Preliminary entry and unloading**

June 5, 1894

The master of any steamship, trading between foreign ports and ports in the United States, and running in a regularly established steamship line, which line shall have been in existence and running steamers in the foreign trade for not less than one year previous to the application of the privilege extended by this Act, arriving in a port of entry may make preliminary entry of the vessel by making oath or affirmation to the truth of the statements contained in his manifest and delivering said manifest to the customs officer, who shall board said vessel, whereupon the unloading of such vessel may proceed upon arrival at the wharf, under such regulations as the Secretary of the Treasury shall prescribe, but nothing in this Act shall relieve the master of any vessel from subsequent compliance with the provisions of existing laws regarding the report and entry of vessels at the custom house. Customs officers acting as boarding officers, and any customs officer who may be designated for that purpose by the collector of the port, are hereby authorized to administer the oath or affirmation herein provided for.

May 31, 1900

The provisions of the Act of June fifth, eighteen hundred and ninety-four, entitled "An Act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

220 *Illegal unloading*

If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection-district, or within four leagues of the coast, any part of the cargo of such vessel shall be unladen, for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of one thousand dollars for each such offense, and the merchandise so unladen shall be forfeited, except in case of some unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress, the master of such vessel shall give notice to, and, together with two or more of the officers or mariners on board such vessel, of whom the mate or other person next in command shall be one, shall make proof upon oath before the collector, or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress happened, or before the collector, or other chief officer of the collection-district, within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within four leagues of the coast of the United States. The collector, or other chief officer, is hereby authorized and required to administer such oath.

R S, 2867

If any merchandise, so unladen from on board any such vessel, shall be put or received into any other vessel, except in the case of such accident, necessity, or distress, to be so notified and proved, the master of any such vessel into which the merchandise shall be so put and received, and every other person aiding and assisting therein, shall be liable to a penalty of treble the value of the merchandise, and the vessel in which they shall be so put shall be forfeited.

R S, 2868

221 *Special permit to unlade by night*

The collector of customs, with the concurrence of the naval officer, where there is one, of any port at which a steamship from a foreign port or place may arrive, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to unlade the cargo of said vessel at night, that is to say, between sunset and sunrise, but before any such special license is granted, the master, agent, or consignees of the vessel shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship to the owner or consignee of any merchandise landed from her shall not be

R S, 2871

Feb 14, 1903  
Sec 10

affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee, whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the unloading of the cargo.

*222. Unloading by day.*

R S., 2872

Except as authorized by the preceding section, no merchandise brought in any vessel from any foreign port shall be unladen or delivered from such vessel within the United States but in open day—that is to say, between the rising and the setting of the sun—except by special license from the collector of the port, and naval officer of the same, where there is one, for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unloading or delivery

June 26, 1884  
Sec 25

When the license to unload between the setting and rising of the sun is granted to a sailing vessel under this section, a fixed, uniform, and reasonable compensation may be allowed to the inspector or inspectors for service between the setting and rising of the sun, under such regulations as the Secretary of the Treasury may prescribe, to be received by the collector from the master, owner, or consignee of the vessel, and to be paid by him to the inspector or inspectors.

Feb 14, 1903  
Sec 10.

R S., 2878

If any merchandise shall be unladen or delivered from any vessel contrary to the preceding section, the master of such vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing such merchandise, shall each be liable to a penalty of four hundred dollars for each offense, and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and the collector of the district shall advertise the name of such person in a newspaper printed in the State in which he resides, within twenty days after each respective conviction.

R. S., 2874

All merchandise, so unladen or delivered contrary to the provisions of section twenty-eight hundred and seventy-two, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to four hundred dollars, the vessel, tackle, apparel, and furniture shall be subject to like forfeiture and seizure.

*223 Supervision of unloading*

R. S., 2875.

The collector of any district at which any vessel arrives, immediately on her first coming within such district, or the

surveyor of any port where such vessel is, may put and keep on board such vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties according to law, as they shall be directed by the collector, or surveyor, to perform for the better securing the collection of the duties. Only collectors shall have power, however, to put inspectors on board vessels to go from one district to another.

The inspector shall make known to the master of such vessel the duties he is to perform; and shall suffer no merchandise to be unladen, or otherwise removed from such vessel, without a permit in writing from the collector of the port, and naval officer thereof, if any. The inspector shall enter in a book, to be by him kept according to such a form as shall be prescribed or approved by the collector, the name of the person in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds, and description of the respective packages which shall be unladen pursuant thereto, and shall keep a like account in the book of all merchandise which, not having been entered within the time limited by this Title [R. S. 2517-3129], or for some other cause, has been sent to the store or warehouse provided for the reception of such merchandise; such book shall be delivered to the surveyor in the month of January in every year for his inspection, and immediately after such inspection be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office.

R. S., 2876

The inspector shall attend to the delivery of the cargo under his care, at all times when the unlading or delivery of merchandise is lawful, particularly from the rising to the setting of the sun on each day, Sundays and the fourth day of July in each year excepted; for which purpose he shall constantly attend and remain on board the vessel, the deliveries from which he is to superintend, or at any other station where his inspection is necessary. The inspector shall not quit such station or place without the leave of the surveyor of the port first obtained, who shall appoint another inspector, if he deems it necessary, to supply the place of such inspector during his absence; and any inspector who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offense be liable to a penalty of the sum of fifty dollars, and for the second offense shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the United States, for a term not exceeding seven years.

R. S., 2877

No inspector shall perform any other duties or service on board any vessel, the superintendence of which is committed to him, for any person whatever, other than what

R. S., 2878

is required by this Title [R S., 2517-3129], under the penalty of being disabled from acting any longer as an inspector of the customs; the wages or compensation of such inspector as may proceed from one district to another, shall be defrayed by the master of the vessel committed to his care; every inspector or other officer of the revenue, while performing any duty on board any vessel, not in a port of the United States, discharging her cargo, shall be entitled to receive from the master of such vessel such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such vessel will admit, on receiving therefor fifty cents a day; and any master of any vessel who shall refuse such provisions and reasonable accommodations shall be liable to a penalty of one hundred dollars.

R S., 2579

If, by reason of the delivery of the cargo in several districts, more than the term allowed by law shall in the whole be spent therein, the wages or compensation of the inspector who may be employed on board of any vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the master or owner; and the inspector shall, previously to the clearance of the vessel, render an exact account to the collector of all such compensation as has been paid, or is due and payable by the master or owner.

R S., 3070

The inspector who may be put on board of any vessel shall secure, after sunset in each evening, or previous to his quitting the vessel, the hatches and other communications with the hold of such vessel, or any other part thereof he may judge necessary, with locks or other proper fastenings, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector by whom the same were affixed, except by special license from the collector of the port, and the naval officer, if any, first obtained. If the locks or other fastenings, or any of them, are broken or removed contrary to this section, or if any merchandise or packages are clandestinely landed, notice thereof shall be immediately given by the inspector to the collector and naval officer, if any, of the port where the vessel may be; and the master of such vessel shall, for each or every such offense, be liable to a penalty of five hundred dollars.

#### 224 *Limit of time for unloading*

R S., 2880

May 9, 1896

Whenever any merchandise shall be imported into any port of the United States from any foreign port, in any vessel, at the expiration of ten working days if the vessel is less than five hundred tons register, and within fifteen working days if it is of five hundred tons register and less than one thousand, and within twenty working days if it is of one thousand tons register and less than fifteen hundred, and within twenty-five working days if it is of fifteen hun-



dred tons register and upward, not including legal holidays and days when the condition of the weather prevents the unloading of the vessel with safety to its cargo, after the time within which the report of the master of any vessel is required to be made to the collector of the district, if there is found any merchandise other than has been reported for some other district or some foreign port, the collector shall take possession thereof; but with the consent of the owner or consignee of any merchandise, or with the consent of the owner or master of the vessel in which the same may be imported, the merchandise may be taken possession of by the collector after one day's notice to the collector of the district. All merchandise so taken shall be delivered pursuant to the order of the collector of the district, for which a certificate or receipt shall be granted.

The limitation of time for unloading, prescribed by the preceding section, shall not extend to vessels laden exclusively with coal, salt, sugar, hides, dyewoods, wool, or jute butts, consigned to one consignee, arriving at a port for orders; but if the master of any such vessel requires a longer time to discharge her cargo, the wages or compensation of the inspector, for every day's attendance exceeding the number of days allowed by law, shall be paid by the master or owner; and thereupon the collector is hereby authorized and required to allow such longer time, not exceeding fifteen days.

R S, 2881  
June 3, 1892  
Sec 2

All merchandise of which the collector shall take possession under the provisions relating to the time for the discharge of a vessel's cargo shall be kept with due and reasonable care at the charge and risk of the owner.

R S, 2999

#### 225. *Weighing, gauging, and measuring*

No merchandise, brought in any vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall, without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall have been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer; and if any such merchandise shall be removed from such wharf or place, unless with the consent of the proper officer, obtained before the same has been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity has been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection.

R S, 2882.

#### 226 *Unloading of wines and spirits*

Every permit for the unloading of spirits, wines, or any part thereof, shall, previous to such landing or unloading thereof, be produced to the officer of inspection, who shall record or register in proper books the contents thereof,

R. S., 2888

and shall indorse thereupon the word "Inspected," the time when, and his own name; after which he shall return the permit to the person by whom it was produced, and then, and not otherwise, it shall be lawful to land the spirits, or wines, therein specified; and if spirits or wines shall be landed without such indorsement upon the permit granted for that purpose, the master of the vessel from which the same shall have been so landed shall for every such offense be liable to a penalty of five hundred dollars, and the spirits or wines so landed shall be forfeited.

R S , 2884

All distilled spirits, and wines, shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the officer shall at all reasonable times attend. This shall not, however, be construed to exclude the inspection of any officer of the customs, as now or heretofore practiced.

R S , 2885

The officers of inspection of any port where distilled spirits or wines shall be landed, shall, upon the landing thereof, and as soon as the casks, vessels, and cases containing the same shall be inspected, gauged, or measured, brand or otherwise mark in durable characters, the several casks, vessels, and cases containing the same, and the marks shall express the number of casks, vessels, or cases, whether of spirits or wines, marked by each officer respectively, in each year, in progressive numbers for each of the articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits or wines, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, and the rate of proof if spirits; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose.

R S , 2886

On the sale of any cask, vessel, or case, which has been or shall be marked as containing distilled spirits or wines, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall, on due notice being given, attend for that purpose, at which time the certificate which ought to accompany such chest, vessel, or case, shall also be returned and canceled. Every person who shall obliterate, counterfeit, alter, or deface any mark or number placed by an officer of inspection upon any cask, vessel, or case, containing distilled spirits or wines, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, vessel, or

case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions of the preceding section, shall have been defaced or obliterated, in presence of an officer of inspection; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel, or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for every such offense be liable to a penalty of one hundred dollars, with costs of suit.

#### 227 *Post entry*

If any package whatever which has been so reported is wanting, and not found on board such vessel, or if the merchandise on board such vessel does not otherwise agree with the report or manifest delivered by the master of any such vessel, in every such case the master shall be liable to a penalty of five hundred dollars; except that if it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them where those officers are established at any port, or to the satisfaction of the collector alone where neither of the others is established, or in case of trial for the penalty, to the satisfaction of the court, that no part whatever of merchandise of such vessel has been unshipped, landed, or unladen since it was taken on board, except as specified in the report or manifest, and pursuant to permits, or that the disagreement is by accident or mistake, in such case the penalty shall not be inflicted. But in all such cases the master of any vessel shall be required and shall make a post entry or addition to the report or manifest by him delivered of any and all merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such merchandise so omitted before such post entry or addition to such report or manifest has been made.

R S, 2887

#### 228 *Returns of unloading of cargo*

When the delivery of merchandise from on board of any vessel is completed, copies of the accounts or entries which have been kept or made thereof, by the officer charged with the deliveries, shall be returned to the collector of the district, and the naval officer, if any, within three days after such delivery has been completed, if at the port where such officer resides, and if at any other port as soon as the nature of the case will admit, not exceeding fifteen days. The accounts or entries to be so returned shall comprise all deliveries made pursuant to permits, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such vessel for the purpose of being exported therein to a foreign port, or to some other district of the United States.

R S, 2888

R S, 2889

Such returns shall be signed by the inspectors respectively under whose superintendence the deliveries have been made; and, after examination, and on being found correct, shall be countersigned or certified by the surveyor of the port, if any, at the port where the deliveries have been made. The returns shall be transmitted by him to the naval officer, if any; who shall compare the same with the manifests and entries in his possession; and if any difference appears, the particulars thereof shall be noted by indorsement on the returns; and if no difference appears, it shall be so noted by like indorsements. The naval officer shall transmit the returns to the collector of the district, and on being returned to the collector, shall be by him compared with the manifests and entries of the merchandise, which have been made by the owner, consignee, or his factor or agent; and if any difference appears, the same shall be noted by indorsement on such manifests, specifying the particulars thereof; and if no difference appears, it shall be noted by like indorsement, that the delivery corresponds with the entry or entries thereof. The indorsement or memorandum shall, in each case, be subscribed by the officer by whom the comparison was made.

R S, 2890

The weighers, gaugers, and measurers, employed in the service of the revenue, shall, within three days after any vessel is discharged, make returns of the articles by them respectively weighed, gauged, or measured out of such vessel. Such returns shall be made by the weighers, gaugers, and measurers, in books to be prepared by them for that purpose, and kept in the custom-houses

#### 229. *Vessels in distress*

R S 2891

If any vessel from any foreign port, compelled by distress of weather, or other necessity, shall put into any port of the United States, not being destined for the same, the master, together with the mate or person next in command, may, within twenty-four hours after her arrival, make protest in the usual form upon oath, before a notary public or other person duly authorized, or before the collector of the district where the vessel arrives, setting forth the cause or circumstances of such distress or necessity. Such protest, if not made before the collector, shall be produced to him, and to the naval officer, if any, and a copy thereof lodged with him or them. The master shall also, within forty-eight hours after such arrival, make report in writing to the collector, of the vessel and her cargo, as is directed hereby to be done in other cases. And if it appear to the collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of vessels arriving in distress, if any, or by the certificate of two reputable merchants, to be named for that purpose by the collector, if there are no such wardens, or other officers duly qualified, that there is a necessity for unlading the vessel, the collector and naval officer, if any, shall grant a permit for that purpose,

and shall appoint an inspector to oversee such unloading, who shall keep an account of the same, to be compared with the report made by the master of the vessel.

All merchandise so unladen from any vessel arriving in distress shall be stored under the direction of the collector, who, upon request of the master of such vessel, or of the owner thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the cargo as may be of a perishable nature, if any there be, or as may be necessary to defray the expenses attending such vessel and her cargo. But entry shall be made therefor, and the duties paid. R S, 2892

In case the delivery of the cargo does not agree with the report thereof, made by the master of such vessel so arriving in distress, and if the difference or disagreement is not satisfactorily accounted for in manner prescribed by this Title [R. S., 2517-3129], the master of such vessel shall be liable to such penalties as in other like cases are prescribed. R S, 2893

The merchandise, or the remainder thereof, which shall not be disposed of, may be reladen on board the vessel so arriving in distress, under the inspection of the officer who superintended the landing thereof, or other proper person; and the vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the merchandise, and fees to the officers of the customs as in other cases. R S, 2894

Whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts or within the limits of the United States, and her cargo shall have been unladen, in conformity with the provisions of the four preceding sections, the cargo, or any part thereof, may, if the vessel should be condemned as not seaworthy, or be deemed incapable of performing her original voyage, afterward be reladen on board any other vessel under the inspection of the officer who superintended the landing thereof, or other proper person. No duties, charges, or fees whatever, shall be paid on such part of the cargo as may be reladen and carried away, either in the vessel in which it was originally imported, or in any other. R S, 2895

### 230 *Obstruction by ice*

When a vessel is prevented by ice from getting to the port or place at which her cargo is intended to be delivered, the collector of the district in which such vessel may be obstructed may receive the report and entry of such vessel, and, with the consent of the naval officer, where there is one, grant permits for unloading or landing the merchandise imported in such vessel, at any place within his district, most convenient and proper. The report and entry of such vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be subject to the same regulations and penalties as if the vessel had arrived at the R S, 2896

port of her destination, and had there proceeded to the delivery of her cargo.

**231. *Unlawful removal of bonded merchandise***

R. S., 2008

Any person maliciously opening, breaking, or entering by any means whatever, any car, vessel, vehicle, warehouse, or package containing any such merchandise so delivered for transportation, or removing, injuring, breaking, or defacing any lock or seal placed upon such car, vessel, vehicle, warehouse, or package, or aiding, abetting, or encouraging any other person or persons so to remove, break, injure, or deface such locks or seals, or to open, break, or enter such car, vessel, or vehicle, with intent to remove or cause to be removed unlawfully any merchandise therein, or in any manner to injure or defraud the United States, and any person receiving any merchandise unlawfully removed from any such car, vessel, or vehicle, knowing it to have been so unlawfully removed, shall be guilty of felony, and in addition to any penalties heretofore prescribed shall be punishable by imprisonment for not less than six months nor more than two years.

**232. *Transportation in bond***

R. S., 3000

Any merchandise, duly entered for warehousing, may be withdrawn under bond, without payment of the duties, from a bonded warehouse in any collection-district, and be transported to a bonded warehouse in any other collection-district, and rewarehoused thereat; and any such merchandise may be so transported to its destination wholly by land, or wholly by water, or partially by land and partially by water, over such routes as the Secretary of the Treasury may prescribe, and may likewise be conveyed over any foreign territory, the government of which may have, or shall by treaty stipulations grant, a free right of way over such territory

Feb 14, 1903  
Sec 10

R. S., 3001  
Feb 14, 1903  
Sec 10

The Secretary of the Treasury shall prescribe the form of the bond to be given for the transportation of merchandise from a port in one collection-district to a port in another collection-district as provided in the preceding section; also the time for such delivery; and for a failure to transport and deliver within the time limited any such bonded merchandise to the collector at the designated port, a duty of double the amount to which such merchandise would be liable shall be collected, which duty shall be secured by such bond, or the merchandise may be seized and forfeited for such failure, and any steam or other vessel, or vehicle, transporting such bonded merchandise, the master, owner, or conductor of which shall fail to deliver the same to the collector at the designated port, shall be liable to seizure and forfeiture. And the Secretary of the Treasury is hereby authorized to remit, in whole or in part, on such conditions and under such regulations, not inconsistent with law, as he may prescribe, the additional duty secured by the bond given for the transportation of merchandise from

a port in one collection-district to a port in another collection-district prescribed by the preceding section: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the failure to transport and deliver the merchandise aforesaid according to the conditions of the bonds occurred without willful negligence or fraudulent intent on the part of the obligors.

Feb 14, 1903  
Sec. 10

### 233 *Transportation to special ports*

Any imported merchandise in the original packages which shall have been duly entered and bonded, in pursuance of the provisions relating to warehouses, may be withdrawn from warehouse for immediate exportation, without payment of duties, to Chihuahua, in Mexico, by the route of the Arkansas River, through Van Buren, or by the route of the Red River, through Fulton, or by the route of the Missouri River, through Independence, or by such other routes as may be designated by the Secretary of the Treasury. Any imported merchandise duly entered and bonded at Brownsville, in the district of Brazos de Santiago, or imported and bonded at any other port of the United States, and transported thence in bond, and duly rewarehoused at Brownsville, may be withdrawn from warehouse for immediate exportation, without payment of duties, to ports and places in Mexico, by land or water, or partly by land and partly by water, or by such routes as may be designated by the Secretary of the Treasury.

R S, 3002

Feb 14, 1903  
Sec 10

Feb 14, 1903  
Sec 10

R S, 3003

Any imported merchandise duly entered and bonded in any port of the United States may be withdrawn from warehouse without payment of duties, for immediate exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, through the port of Lavaca, in the collection-district of Saluria, in the State of Texas, and be transshipped inland, thence to San Antonio, in that State, and from the latter place to the destinations in Mexico, either by way of Eagle Pass, the Presidio del Norte, or San Elizario, all on the Rio Grande; and the Secretary of the Treasury is hereby authorized to prescribe such regulations, not inconsistent with law, as he may deem proper and necessary, respecting the packing, marking, inspection, proof of due delivery at their foreign destinations of the imports authorized by this and the foregoing section to be exported from warehouse to ports and places in Mexico, and for the due protection in other respects of the public revenue.

Imported merchandise duly entered and bonded at a port of the United States, and withdrawn from warehouse in accordance with existing law, for exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, may pass through Eagle Pass, the port of entry for the district of Saluria, in Texas, under such regulations as the Secretary of the Treasury shall prescribe, as well as through the port of Lavaca.

R S, 3004

R S , 8005

All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Brownsville in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

Feb 14, 1908  
Sec 10.

R S , 3005  
May 21, 1900

All merchandise arriving at any port of the United States destined for any foreign country may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as to examination and transportation as the Secretary of the Treasury may prescribe.

May 21, 1900  
Sec 2

The joint resolution entitled "Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States," approved March first, eighteen hundred and ninety-five, be, and the same is hereby, repealed, and the full operation of section three thousand and five of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived.

R S , 3006

Imported merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British provinces or republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or republic, be treated in regard to the liability to or exemption from duty, or tax, as if the transportation had taken place entirely within the limits of the United States.

Feb 11, 1908  
Sec. 10

R S , 3007

Railroad-cars or other vehicles laden with merchandise, sealed by a customs officer, passing, under the provisions of the preceding section and the regulations of the Secretary of the Treasury, from one port in the United States to another therein, through foreign contiguous territory, shall be exempt from the payment of any fees for receiving or certifying manifests thereof.

Feb 14, 1908  
Sec 10

R S , 3008

No merchandise exported to Mexico or the British North American Provinces shall be voluntarily landed or brought into the United States, and any so landed or brought into the United States shall be forfeited, and the same proceeding shall be had for its condemnation, and the distribution of the proceeds of the sales, as in other cases of forfeiture of merchandise illegally imported. Every person concerned in the voluntary landing or bringing such merchandise into the United States shall be liable to a penalty of four hundred dollars.



**234 Immediate delivery**

When merchandise shall be imported into any port of the United States from any foreign country in vessels, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse; and when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take possession of the same, and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel.

R. S., 2906  
June 26, 1884  
Sec 24

**235. Immediate transportation**

When any merchandise, other than explosive articles, and articles in bulk not provided for in section five of this act, imported at the ports of

June 10, 1880  
June 14, 1880

Astoria, Oreg	Honolulu, Hawaii	Portail, N Dak
Baltimore, Md	Island Pond, Vt	Portland, Me
Bangor, Me	Key West, Fla	Portland, Oreg
Bath, Me	Laredo, Tex	Port Townsend, Wash.
Beecher Falls, Vt.	Los Angeles, Cal	Richford, Vt
Boston, Mass	Marquette, Mich	Rochester, N. Y
Burlington, Vt	Miami, Fla	St Albans, Vt
Calais, Me	Milwaukee, Wis	San Diego, Cal
Charleston, S C	Moline, Ala	San Francisco, Cal
Chicago, Ill	New Orleans, La	Sault Ste Marie, Mich
Cleveland, Ohio	Newport, Vt	Savannah, Ga
Detroit, Mich	Newport News, Va	Seattle, Wash
Duluth, Minn	New York, N Y	Sioux City, Iowa
Eagle Pass, Tex	Niagara Falls, N Y	Tacoma, Wash
Eastport, Me.	Nogales, Ariz	Tampa, Fla
El Paso, Tex.	Norfolk, Va	Toledo, Ohio.
Everett, Wash	Ogdensburg, N Y	Vanceboro, Me
Fernandina, Fla	Pensacola, Fla.	Wilmington, N C
Galveston, Tex	Philadelphia, Pa.	
Gladstone, Mich	Port Huron, Mich	

shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the seventh section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section two of this act has been made.

The collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination, and such record shall consist of a copy of the invoice and an entry whereon the duties shall be estimated as closely as possible on the merchandise so shipped, but no oaths shall be required on the said entry. Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice; and the same examination and appraisement thereof shall be required and had at the port of destination as would

June 10, 1880  
Sec 2

have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port

Sec 8  
Feb 14, 1903  
Sec 10

Such merchandise shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to and by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination; and before any such carriers shall be permitted to receive and transport any such merchandise, they shall become bound to the United States in bonds of such form and amount, and with such conditions, not inconsistent with law, and such security as the Secretary of the Treasury shall require.

Sec 5  
Feb 23, 1887

Merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies on passenger-trains, in safes, "pouches", and trunks, which shall be of such size, character, and description and secured in such manner as shall be from time to time prescribed by the Secretary;

And in cases where merchandise shall be imported in boxes or packages too large to be included within the safes, trunks, or "pouches" as prescribed, such merchandise may be transported under the provisions of this act by such express companies, "corded and sealed", in such manner as shall from time to time be prescribed by the Secretary of the Treasury;

And "passengers" baggage and effects arriving at any of the ports specified in section one of this act, which shall appear by the manifest of the importing vessel, or other satisfactory evidence, to be destined to any of the ports specified in the seventh section, may also be transported by express companies under the provisions of this act to any of the ports specified in the seventh section thereof, in such manner and under such rules and regulations as the Secretary of the Treasury may prescribe;

And merchandise such as pig-iron, spiegle-iron, scrap-iron, iron-ore, railroad-iron, and similar articles commonly transported upon platform or flat cars may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad seals may be used for such purposes; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively.

Such merchandise shall not be unladen or transhipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in

the gauge of railroads, or “where the route is bonded for both land and water carriage”, or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

Section five of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable goods without appraisement, be, and the same is hereby, so amended as to allow common carriers bonded under the provisions of said Act, in instances where a sufficient quantity of such merchandise is not offered at the port of first arrival to fill an entire car, or compartment thereof, to forward such merchandise in cars not secured by the prescribed customs fastenings if the packages are corded and sealed, under regulations to be prescribed by the Secretary of the Treasury; in all other respects the provisions of the Act referred to to remain in full force.

The privilege of immediate transportation shall extend to the ports of:

Feb 2, 1899

June 10, 1880  
Sec 7

Albany, N Y	Greenbay, Wis	Port Huron, Mich
Astoria, Oreg	Hartford, Conn	Portland, Me
Atlanta, Ga	Honolulu, H I	Portland, Oreg
Baltimore, Md	Indianapolis, Ind	Portsmouth, N H.
Bangor, Me.	Jacksonville, Fla	Port Townsend, Wash
Bath, Me	Kansas City, Mo	Providence, R. I.
Boston, Mass	Key West, Fla	Pueblo, Colo
Bridgeport, Conn	Knoxville, Tenn	Richmond, Va
Buffalo, N Y.	Laredo, Tex	Rochester, N Y
Burlington, Vt	*Leadville, Colo	St Augustine, Fla
Calais, Me	Lincoln, Nebr	St Joseph, Mo.
Charleston, S C	Los Angeles, Cal.	St Louis, Mo.
Chicago, Ill	Louisville, Ky	St Paul, Minn.
Cincinnati, Ohio	Marquette, Mich	Saginaw, Mich
Cleveland, Ohio	Memphis, Tenn	San Antonio, Tex
Columbus, Ohio	*Middletown, Conn	San Diego, Cal.
Council Bluffs, Iowa.	Milwaukee, Wis	Sandusky, Ohio
Denver, Colo	Minneapolis, Minn	San Francisco, Cal
Des Moines, Iowa	Mobile, Ala	Sault Ste Marie, Mich
Detroit, Mich	Nashville, Tenn	Savannah, Ga.
Dubuque, Iowa	Newark, N J.	Seattle, Wash
Duluth, Minn.	New Bedford, Mass	Sioux City, Iowa
Dunkirk, N Y.	New Haven, Conn	*South Manchester,
*Durango, Colo.	New Orleans, La	Conn
Durham, N. C	Newport, R. I	Springfield, Mass
Eagle Pass, Tex	Newport News, Va	Syracuse, N. Y
Eastport, Me.	New York, N Y	Tacoma, Wash
El Paso, Tex.	Niagara Falls, N Y	Tampa, Fla
*Enfield, Conn.	Nogales, Ariz.	Titusville, Pa.
Erie, Pa.	Norfolk, Va	Toledo, Ohio
Evansville, Ind.	Oakland, Cal	Vanceboro, Me.
Everett, Wash.	*Ocala, Fla	*Vernon (Rockville),
Fall River, Mass	Ogdensburg, N. Y	Conn
Galveston, Tex.	Omaha, Nebr	Washington, D. C.
Gladstone, Mich.	Petersburg, Va	Wilmington, Del
Grand Haven, Mich	Philadelphia, Pa	Wilmington, N. C.
Grand Rapids, Mich.	Pittsburg, Pa	Worcester, Mass

No customs officers are stationed at places marked thus (\*), and consular invoices and transportation entries should not be forwarded to such places

*Provided*, That the privilege of transportation herein conferred shall not extend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties.

Sec 9 No merchandise shall be shipped under the provisions of this act after such merchandise shall have been landed ten days from the importing vessel, and merchandise not entered within such time shall be sent to a bonded warehouse by the collector as unclaimed, and held until regularly entered and appraised.

Sec 6 Merchandise so destined for immediate transportation shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle specified in the entry

Feb 23, 1887 The provisions of the act entitled, "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth eighteen hundred and eighty, be, and the same are hereby, so amended as to allow merchandise liable to specific rates of duty only to be entered for immediate transportation without appraisement to any of the ports mentioned in the seventh section of said act, although the same may not appear by the invoice, bill of lading, or manifest of the importing vessel to be consigned to or destined for either of said ports, when the consignee at the port of first arrival shall make written application therefor to the collector, giving the name of the person at the port of destination to whom he desires the merchandise to be consigned; and whenever such application and entry shall be made, the original invoice presented by the consignee at the port of first arrival shall be forwarded, with a copy of the transportation entry, to the collector at the port of destination; and a copy of such invoice shall be retained on file at the port of first arrival

The original invoice so forwarded shall be treated as the only invoice of the merchandise upon which entry shall be made at the port of destination, and the person making such entry shall be held responsible for the statements contained therein in the same manner as if the merchandise had been originally consigned to him. *Provided, however*, That the privileges herein conferred shall not extend to any merchandise the duties upon which, or any portion thereof, depend upon the value of such merchandise. *And provided further*, That such privilege shall be granted only in cases where no part of the merchandise shall have been landed prior to entry for immediate transportation as aforesaid.

### 236. *Salvage of merchandise.*

R S, 3058  
Feb 23, 1887.

All merchandise imported into the United States shall, for the purpose of this title [R. S., 2517-3129] be deemed and held to be the property of the person to whom the merchandise may be consigned; but the holder of any bill

of lading consigned to order and endorsed by the consignor shall be deemed the consignee thereof.

And in case of the abandonment of any merchandise to the underwriters, the latter may be recognized as the consignee, and under such regulations as the Secretary of the Treasury may prescribe, merchandise saved from a vessel wrecked or abandoned at sea, or on or along the coasts of the United States and promptly brought into a port of the United States by or in possession of the salvors of the same, can, for the purpose of its title, be regarded as the property of such salvors, and the valuation thereof and payment of duties thereon can be made accordingly and with due reference to the condition of said merchandise as thus saved and the necessities of the case:

*Provided, however,* That such bringing in by salvors shall be in good faith and without intent to evade the just payment of duty:

*And provided further,* That nothing herein contained shall be so construed as to prejudice in any other respect the rights of property, or of or through abandonment or allowance of the owner or any other person interested in said merchandise.

#### 237. *Bond of firm or partnership*

When any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares or merchandise, imported into the United States by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof, in like manner and to the same extent, as if such other members or partners had personally executed the same. And any action or suit may be instituted on such bond against all the members or partners of such firm, as if all of the members or partners had executed the same

June 20, 1876

#### 238. *Refund of customs duties*

No moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made.

Mar 3, 1875

*Provided,* That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such

reliquidation shall be allowed unless protest and appeal shall have been made as required by law:

*Provided further*, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty:

*And provided also*, That this act shall not affect the refund to excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment, and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

Sec 2

No ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States, by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States:

*Provided*, That the Secretary of the Treasury may in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

Sec 3

The Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

Sec 4

The Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made:

*Provided*, That in all cases where the Secretary of the Treasury shall so request the Attorney-General shall take an appeal to the Supreme Court.

### 239. *Fraudulent importation of merchandise*

R 8, 3082

If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for

a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

**240** *Bribery and solicitation of bribes*

Any person who shall give, or offer to give or promise to give any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise including herein any baggage, or of the liquidation of the entry thereof, or shall by threats or demands, or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding two thousand dollars, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court; and evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent, and not done with an unlawful intention.

June 10, 1890  
Sec 26

Any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact or receive from any person, directly or indirectly, any money or thing of value, in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage, or liquidation of the entry thereof, on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court. And evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

Sec 27.

**241.** *Express packages.*

Articles, not merchandise intended for sale, not exceeding five hundred dollars in value, imported in packages not exceeding one hundred pounds in weight, in vessels of the United States, may be specially delivered to and appraised at the public stores, and the entry thereof liquidated by the collector under such regulations as the Secretary of the Treasury may prescribe, and after such appraisement and liquidation may be delivered, upon payment of the

June 8, 1896

liquidated duties under the bond provided for in this Act, to express companies or other duly incorporated inland carriers bonded for the transportation of appraised or unappraised merchandise between the several ports in the United States. *Provided*, That not more than one such consignment to one ultimate consignee from the same consignor shall be imported in any one vessel: *And provided*, That the original appraisement of and liquidation of duties on such importations shall be final against the owner, importer, agent, or consignee, except in the case of manifest clerical errors, as provided for in section twenty-four of the Act of June tenth, eighteen hundred and ninety: *Provided*, That nothing contained in this Act shall apply to explosives, or any article the importation of which is prohibited by law.

Sec 2

Such express companies or other inland carriers shall be responsible to the United States under bond for the safe delivery of such articles to the ultimate consignee: *Provided*, That if any package shall not be delivered to the ultimate consignee by the express company or other inland carrier, and shall be returned to the collector of the port where such articles are entered under the provisions of this Act within ninety days from the date of importation intact, the collector shall take charge of such package and dispose of it as unclaimed merchandise, and the duties, including additional duties, if any, under section seven of the Act of June tenth, eighteen hundred and ninety, paid shall be refunded by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated; and the express company or other inland carriers shall be relieved of any liability therefor under its bond; and before any express company or other inland carrier shall be permitted to receive and transport any such articles they shall become bound to the United States in such bonds, in such form and amount, and with such conditions not inconsistent with law as the Secretary of the Treasury may require.

Sec 3

Articles transported under the provisions of this Act shall be corded and sealed in such manner as shall from time to time be prescribed by the Secretary of the Treasury; and the collector of the port of first arrival shall retain in his office a permanent record of such merchandise so forwarded.

Sec 1

Such packages may be consigned to and entered by the agents of the express company or other inland carrier or steamship company, who shall at the time of entry state the ultimate consignee, and in all cases where a certified or other invoice is now required by law such invoice may be attached to or inclosed in the package, under such regulations as the Secretary of the Treasury may prescribe; and the delivery of such articles to the express company or other inland carrier shall not be delayed because of the nonarrival of the triplicate invoice, but the ultimate consignee shall be liable for any increased duty found due on reliquidation, if any, after receipt of said merchandise from



the express company or other inland carrier or steamship company making entry under this Act; and the provisions of section twenty-eight hundred and fifty-seven, Revised Statutes, shall not apply to importations under this Act.

**242. *Lien for freight or general average***

Whenever the collector of the port of entry of the vessel, or other proper officer of the customs, shall be duly notified in writing of the existence of a lien for freight, charges, or contribution in general average upon imported goods, wares, or merchandise in his custody, he shall, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof for consumption, or to any vessel or vehicle for transportation or exportation, give reasonable notice to the party or parties claiming the lien; and the possession by the officers of customs shall not affect the discharge of such lien, under such regulations as the Secretary of the Treasury may prescribe; and such officer shall refuse the delivery of such merchandise from any public or bonded warehouse or other place in which the same shall be deposited until proof to his satisfaction shall be produced that the freight, charges, or contribution in general average thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver. If merchandise so subject to a lien, regarding which notice has been filed, shall be forfeited to the United States and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom are paid.

R. S., 2981  
May 21, 1896

Feb 14, 1903  
Sec 10

## PART XVI.—TARIFF PROVISIONS DIRECTLY RELATING TO VESSELS

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<b>243.</b> Coal. <b>244.</b> Shipbuilding materials <b>245.</b> Materials for repairs.	<b>246.</b> Sunken merchandise <b>247.</b> Supplies <b>248.</b> Sea stores and equipments
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### 243 Coal

July 24, 1897,  
415      Coal, bituminous, and all coals containing less than ninety-two per centum of fixed carbon, and shale, sixty-seven cents per ton of twenty-eight bushels, eighty pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, fifteen cents per ton of twenty-eight bushels, eighty pounds to the bushel *Provided*, That on all coal imported into the United States, which is afterwards used for fuel on board vessels propelled by steam and engaged in trade with foreign countries, or in trade between the Atlantic and Pacific ports of the United States, and which are registered under the laws of the United States, a drawback shall be allowed equal to the duty imposed by law upon such coal, and shall be paid under such regulations as the Secretary of the Treasury shall prescribe; coke, twenty per centum ad valorem

Jan. 15, 1903      The Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this Act.

Sec 2      The provisions of paragraph four hundred and fifteen of the tariff Act of July twenty-fourth, eighteen hundred and ninety-seven, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

July 24, 1897,  
528.      Coal, anthracite, not specially provided for in this Act, and coal stores of American vessels, but none shall be unloaded. [Free List.]

### 244. Shipbuilding materials

R 8, 2513.      All materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership or for the purpose of being employed in the foreign trade including the trade between the Atlantic and Pacific ports of the United States, and all such materials necessary for the building of their machinery, and all articles necessary for their outfit and equipment, after the passage of this Act, may be imported in bond under such regulations as the Secretary of the

Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year except upon the payment to the United States of the duties of which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

Feb. 14, 1903  
Sec 10

#### 245. *Materials for repairs*

All articles of foreign production needed for the repair of American vessels engaged in foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

R S, 2514.

Aug 27, 1894  
Sec. 8  
July 24, 1897  
Sec. 13

Machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation

R.S., 2511  
Aug 27, 1894  
Sec. 13  
July 24, 1897.  
Sec 19

#### 246. *Sunken merchandise*

Whenever any vessel laden with merchandise in whole or in part subject to duty has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe.

R S., 2507

Aug 27, 1894  
Sec 20  
July 24, 1897  
Sec. 28

#### 247. *Supplies.*

That all articles of foreign or domestic production needed and actually withdrawn from bonded warehouses and bonded manufacturing warehouses for supplies (not including equipment) of vessels of the United States engaged in foreign trade, or in trade between the Atlantic and Pacific ports of the United States, may be so withdrawn from said bonded warehouses, free of duty or of internal-revenue tax, as the case may be, under such regulations as the Secretary of the Treasury may prescribe; but no such articles shall be landed at any port of the United States.

June 26, 1884.  
Sec 16  
July 24, 1897  
Sec 14  
Feb 14, 1903  
Sec 10

#### 248. *Sea stores and equipment*

[See paragraph 204.]

## PART XVII.—CONSULS' SERVICES TO VESSELS.

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249 Consuls' services to vessels.

| 250. Naval officer acting as consul.

### 249. *Consuls' services to vessels*

R S , 1707

Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States.

R. S , 1708.

Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of Commerce and Labor.

Feb 14, 1903  
Secs 4, 10

R S , 1718

Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels,

which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels.

No fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fees so prescribed for each service and make a detailed report to the Secretary of Commerce and Labor of such services and fees, under such regulations as the Secretary of State may prescribe, and the Secretary of Commerce and Labor shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act: *Provided*, That such services in the opinion of the Secretary of Commerce and Labor have been necessarily rendered

June 26, 1884  
Sec 12

Feb 14, 1908  
Sec 10

No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

R. S., 1719.

American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year

R. S., 1720

The fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar

R. S., 1721

#### 250. *Naval officer acting as consul.*

The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

R. S., 1433

## PART XVIII—COMMERCE WITH CONTIGUOUS COUNTRIES.

<p>251 Size of foreign-trade vessels</p> <p>252 Evasion of the coasting laws on the lakes and frontiers</p> <p>253. Inward manifests</p> <p>254. Customs inspection</p> <p>255. Customs seals on frontier</p> <p>256. Transfer of cargo</p> <p>257. Sea-stores</p> <p>258. Saloon stores</p>	<p>259 Duties on repairs</p> <p>260. Entry from one district to another</p> <p>261 Discharging cargo and passengers.</p> <p>262 Steam tugs</p> <p>263 Forms and penalties</p> <p>264 Touching at foreign ports</p> <p>265. Foreign merchandise</p> <p>266. Special provisions for British North America</p>
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### 251. *Size of foreign-trade vessels*

R S , 3095

Except into the districts hereinbefore described on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than thirty tons burden, agreeably to the admeasurement directed for ascertaining the tonnage of vessels; or landed or unladen at any other port than is directed by this Title [R. S , 2517-3129], under the penalty of seizure and forfeiture of all such vessels, and of the merchandise imported therein, landed or unladen in any other manner.

R S , 3096

All persons may import any merchandise of which the importation shall not be entirely prohibited, into the districts which are or may be established on the northern and northwestern boundaries of the United States, in vessels or boats of any burden, and in rafts or carriages of any kind or nature whatsoever.

### 252 *Evasion of coasting laws on the lakes and frontiers*

R S , 3110.

If any merchandise shall, at any port in the United States on the northern, northeastern, or northwestern frontiers thereof, be laden upon any vessel belonging wholly or in part to a subject of a foreign country, and shall be taken thence to a foreign port to be reladen and reshipped to any other port in the United States on such frontiers, either by the same or any other vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port of the United States to another port of the United States, in a vessel

belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port, be seized and forfeited to the United States, and the vessel shall pay a tonnage-duty of fifty cents per ton on her admeasurement.

### 253 *Inward manifests*

All vessels, boats, rafts, and carriages, of what kind soever, arriving in such districts, on the northern and northwestern frontiers, containing merchandise subject to duties, on being imported into any port of the United States, shall be reported to the collector, or other chief officer of the customs at the port of entry in the district into which it shall be so imported, and such merchandise shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any such vessels, boats, rafts, and carriages, and by the owners or consignees of the merchandise laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is prescribed in respect to merchandise imported in vessels from the sea, and generally, all such importations shall be subject to like regulations, penalties, and forfeitures as in other districts, except as is hereinafter specially provided. R. S., 3097

The master of any vessel, except registered vessels, and every person having charge of any boat, canoe, or raft, and the conductor or driver of any carriage or sleigh, and every other person, coming from any foreign territory adjacent to the United States into the United States, with merchandise subject to duty, shall deliver, immediately on his arrival within the United States, a manifest of the cargo or loading of such vessel, boat, canoe, raft, carriage, or sleigh, or of the merchandise so brought from such foreign territory, at the office of any collector or deputy collector which shall be nearest to the boundary-line, or nearest to the road or waters by which such merchandise is brought; and every such manifest shall be verified by the oath of such person delivering the same, which oath shall be taken before such collector or deputy collector; and such oath shall state that such manifest contains a full, just, and true account of the kinds, quantities, and values of all the merchandise so brought from such foreign territory. R. S., 3098

If the master, or other person having charge of any vessel, boat, canoe, or raft, or the conductor or driver of any carriage or sleigh, or other person bringing such merchandise, shall neglect or refuse to deliver the manifest required by the preceding section, or pass by or avoid such office, the merchandise subject to duty, and so imported, shall be forfeited to the United States, together with the vessel, boat, canoe, or raft, the tackle, apparel, and furniture of the same, or the carriage or sleigh, and harness and cattle drawing the same, or the horses with their saddles and R. S., 3099

bridles, as the case may be; and such master, conductor, or other importer shall be subject to a penalty of four times the value of the merchandise so imported.

**254** *Customs inspection*

R S , 3100

All merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to enable the proper officer thoroughly to discharge this duty, he may require the owner or his agent, or other person, having charge or possession of any trunk, traveling-bag, or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key

R S , 3101

If any owner, agent, or other person shall refuse or neglect to comply with his demands, allowed by the preceding section, the officer shall retain such trunk, traveling bag, or sack, valise, or whatsoever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. If any such dutiable merchandise or article shall be found in any such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

**255.** *Customs seals on frontier*

R S , 3102

To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examina-



tion as may be necessary and proper to prevent frauds upon the revenue and violations of this Title [R. S., 2517-3129].

The Secretary of the Treasury is hereby authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such merchandise, baggage, effects, trunks, traveling-bags, or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

R S , 3103,  
Feb 14, 1903  
Sec 10

If the owner, master, or person in charge of any vessel, car, or other vehicle so sealed, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle to the proper officer of the customs, or shall dispose of the same by sale or otherwise, or shall unload the same, or any part thereof, at any other than such port, or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture. Nothing in this section, however, shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

R S , 3104

If any unauthorized person or persons shall willfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this Title [R. S., 2517-3129] and regulations authorized by it, or any other law, or shall affix or attach, or any way willfully aid, assist, or encourage the affixing or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and shall be imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court.

R S , 3105

Each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire,

R S , 3106

seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal, or other thing purporting to be a seal, has been wrongfully attached, shall be forfeited.

**256. *Transfer of cargo.***

R S, 8109

The master of any foreign vessel, laden or in ballast, arriving, whether by sea or otherwise, in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, shall report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not transfer her cargo or passengers to another vessel or proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of Commerce and Labor may, in his discretion, from time to time prescribe. This section shall also apply to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited.

Feb 14, 1903  
Sec 10  
Feb. 17, 1898  
Sec 4

**257. *Sea-stores***

R S, 8111

If any vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States shall touch at any port in the adjacent British provinces, and the master of such vessel shall purchase any merchandise for the use of the vessel, the master of the vessel shall report the same, with cost and quantity thereof, to the collector or other officer of the customs at the first port in the United States at which he shall next arrive, designating them as "sea-stores;" and in the oath to be taken by such master of such vessel, on making such report, he shall declare that the articles so specified or designated "sea-stores" are truly intended for the use exclusively of the vessel, and are not intended for sale, transfer, or private use. If any other or greater quantity of dutiable articles shall be found on board such vessel than are specified in such report or entry of such articles, or any part thereof shall be landed without a permit from a collector or other officer of the customs, such articles together with the vessel, her apparel, tackle, and furniture, shall be forfeited.

R S, 8112

If, upon examination and inspection by the collector or other officer of the customs, such articles are not deemed excessive in quantity for the use of the vessel, until an American port may be reached by such vessel, where such sea-stores can be obtained, such articles shall be declared free of duty; but if it shall be found that the quantity or quantities of such articles, or any part thereof so reported are excessive, it shall be lawful for the collector or other officer of the customs to estimate the amount of duty on

such excess, which shall be forthwith paid by the master of the vessel, on penalty of paying a sum of not less than one hundred dollars, nor more than four times the value of such excess, or such master shall be punishable by imprisonment for not less than three months, and not more than two years.

#### 258. *Saloon stores*

Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon-keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel belonging to and owned by such saloon-keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon-keeper or other person so purchasing and owning shall be liable to a penalty of not less than one hundred dollars and not more than five hundred, and shall be punishable by imprisonment for not less than three months, and not more than two years.

R. S., 3113

#### 259. *Duties on repairs*

The equipments, or any part thereof, including boats, purchased for, or the expenses of repairs made in a foreign country upon a vessel enrolled and licensed under the laws of the United States to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad-valorem duty of fifty per centum on the cost thereof in such foreign country, and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited.

R. S., 3114.

No license, or enrollment and license, nor renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

R. S., 4330.

If the owner or master of such vessel shall, however, furnish good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign

R. S., 3115

port and purchase such equipments, or make such repairs, to secure the safety of the vessel to enable her to reach her port of destination, then it shall be competent for the Secretary of the Treasury to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid, and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

**260** *Entry from one district to another*

R S, 3116.

The master of every vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, except canal boats employed in navigating the canals within the United States, shall, before the departure of his vessel from a port in one collection-district to a port in another collection-district, present to the collector at the port of departure duplicate manifests of his cargo, or, if he have no cargo, duplicate manifests setting forth that fact; such manifests shall be subscribed and sworn to by the master before the collector, who shall indorse thereon his certificate of clearance, retaining one for the files of his office; the other he shall deliver for the use of the master.

R S, 3117

If any vessel so enrolled or licensed shall touch at any intermediate port of the United States, and there discharge cargo taken on board at an American port, or at such intermediate ports shall take on board cargo destined for an American port, the master of such vessel shall not be required to report such lading or unlading at such intermediate ports, but shall enter the same on his manifest obtained at the original port of departure, which he shall deliver to the collector of the port at which the unlading of the cargo is completed, within twenty-four hours after arrival, and shall subscribe and make oath as to the truth and correctness of the same.

R S, 3118

The master of any vessel so enrolled or licensed shall, before departing from a port in one collection-district to a place in another collection-district, where there is no custom-house, file his manifest, and obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance.

R. S, 3119

Nothing contained in the three preceding sections shall exempt masters of vessels from reporting, as now required by law, any merchandise destined for any foreign port.

No permit shall be required for the unlading of cargo brought from an American port.

No merchandise taken from any port in the United States on the northern, northeastern, or northwestern frontiers thereof, to a port in another collection-district of the United States on such frontiers, in any vessel, shall be unladen or delivered from such vessel within the United States, but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector or other principal officer of the port for the purpose. The owner of every vessel whose master or manager shall neglect to comply with the provisions of this section shall be liable to a penalty of not less than one hundred dollars nor more than five hundred. The Secretary of Commerce and Labor may, from time to time, make such regulations as to him shall seem necessary and expedient for unloading at and clearance from any port or place on such frontiers of ships or vessels at night. And the Secretary of Commerce and Labor be, and he is hereby, authorized, in his discretion, to make such regulations as shall enable vessels engaged in the coasting trade between ports and places upon Lake Michigan exclusively, and laden with American productions and free merchandise only, to unlade their cargoes without previously obtaining a permit to unlade.

R. S., 3120

Feb 14, 1903.  
Sec. 10.

The master of any vessel so enrolled or licensed, destined with a cargo from a place in the United States, at which there may be no custom-house, to a port where there may be a custom-house, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest, subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port, or place, to the truth of which manifest he shall make oath before such officer. If the vessel, however, have no cargo, the master shall not be required to deliver such manifest.

R. S., 3122

#### 261. *Discharging cargo and passengers*

The master of any vessel with cargo, passengers, or baggage from any foreign port, shall obtain a permit and comply with existing laws, before discharging or landing the same.

R. S., 3121

#### 262. *Steam tugs*

Steam-tugs duly enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, when exclusively employed in towing vessels, shall not be required to report and clear at the custom-house. When such steam-tugs, however, are employed in towing rafts or other vessels without sail or steam motive-power, not required to be enrolled or licensed under existing laws, they shall be required to report and clear in the same manner as is hereinbefore provided in similar cases for other vessels.

R. S., 3123

**263. Forms and penalties**

R. S., 8124

Feb 14, 1903  
Sec 10

The manifests, certificates of clearance, and oaths, provided for by the eight preceding sections [R. S., 3116-3123], shall be in such form, and prepared, filled up, and executed in such manner as the Secretary of Commerce and Labor may from time to time prescribe.

R. S., 8125

If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of the nine preceding sections [R. S. 3116-3124], such master shall forfeit and pay to the United States the sum of twenty dollars for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States.

**264. Touching at foreign ports**

R. S., 8126

Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse, and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.

**265. Foreign merchandise coastwise**

R. S., 8127

Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

**266. Special provisions for British North America**

R. S., 8128

When any merchandise shall be imported from Canada into the United States, in any steamboat on Lake Cham-

plain, and the merchandise shall have been duly entered, the duties thereon paid at the office of the collector of any district adjoining Lake Champlain, it shall be lawful to land such merchandise in the same or any other district adjoining Lake Champlain.

The Secretary of Commerce and Labor, with the approbation of the President, provided the latter shall be satisfied that similar privileges are extended to vessels of the United States in the colonies hereinafter mentioned, is hereby authorized, under such regulations as he [Secretary of the Treasury] may prescribe to protect the revenue from fraud, to permit vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, or either of them, to lade or unlade at any port within any collection-district of the United States which he may designate; and if any such vessel entering a port so designated, to lade or unlade, shall neglect or refuse to comply with the regulations so prescribed by the Secretary of the Treasury [and the Secretary of Commerce and Labor], such vessel, and the owner and master thereof, shall be subject to the same penalties as if no authority under this section had been granted to lade or unlade in such port.

R. S., 3129  
Feb 14, 1908  
Sec 10

## PART XIX.—DOMESTIC COMMERCE.

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### 267 *Great districts*

R S , 4348

The sea-coast and navigable rivers of the United States shall be divided into three great districts. the first to include all the collection-districts on the sea-coast and navigable rivers, between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection-districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande; and the third to include all the collection-districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido.

### 268. *Clearance within a great district*

R S , 4349

The master of every vessel under twenty tons burden licensed for carrying on the coasting-trade, destined from a district in one State to a district in the same or an adjoining State, on the sea-coast or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board either distilled spirits in casks exceeding five hundred gallons, wines in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such vessel from the port where she



may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States that the duties thereupon have been paid or secured. Thereupon the collector or surveyor shall certify the same on the manifests, one of which he shall return to the master, with a permit, specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination.

If any vessel, being laden and destined, as mentioned in the preceding section, shall depart from the port where she may then be without the master having first made out and subscribed duplicate manifests of the lading on board such vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the collector or surveyor, and obtaining a permit, such master shall be liable to a penalty of one hundred dollars.

R S , 4350  
July 12, 1876.

#### 269. *Entry within a great district*

The master of every vessel licensed for carrying on the coasting-trade, having on board either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea-coast, or on a navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unlading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifest thereof, as is hereinbefore directed, to the truth

R S , 4351  
July 12, 1876

of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unloading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear.

R S, 4852  
July 12, 1876

If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of one hundred dollars.

#### 270. *Coasting trade via Isthmus of Panama*

[See paragraph 454, page 469, R. S. 2999.]

#### 271. *Clearance for another great district*

R S, 4853  
July 12, 1876

The master of every vessel under twenty tons of burden licensed for carrying on the coasting-trade, and destined from any district of the United States to a district other than a district in the same or an adjoining State, on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifests of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there are any distilled spirits, or merchandise of foreign growth or manufacture on board, other than what may be by the collector be deemed sufficient for sea-stores, he shall specify in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such distilled spirits, or merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear,

before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured, or, if spirits distilled within the United States, that the duties thereupon have been duly paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination.

If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of one hundred dollars; or, if the lading be of goods the growth or manufacture of the United States only, or if such vessel have no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of fifty dollars

R S., 4364  
July 12, 1876

#### 272 *Entry to another great district*

The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector residing at the port where she may arrive if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unlading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed, and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then any more or other merchandise of foreign growth or manufacture, or distilled spirits, if there be any, other than sea-stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unlading the whole or part of such cargo, if there be any, within his district, as the master may request; and where a part only of the merchandise of foreign

R S., 4365  
July 12, 1876.

growth or manufacture, or of distilled spirits, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon his permission for such vessel to proceed to the place of her destination.

R S, 4356  
July 12, 1870

If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of one hundred dollars, and the merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

### 273. *Exemption on the Mississippi and tributaries*

July 12, 1870

The provisions of sections forty-three hundred and forty-nine, forty-three hundred and fifty, forty-three hundred and fifty-one, forty-three hundred and fifty-two, forty-three hundred and fifty-three, forty-three hundred and fifty-four, forty-three hundred and fifty-five, and forty-three hundred and fifty-six of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting-trade, laden in part with foreign merchandise or distilled spirits, to procure a permit from the customs officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.

### 274. *Vessels with domestic cargo*

R S, 4359

Nothing in this Title [R. S., 4311-4390] shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the sea-coast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within a State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except distilled spirits, or distilled spirits not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozen, sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or merchandise consisting of such enumerated or other articles of foreign growth or

manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consist of distilled spirits, or merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated.

Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, and does not exhibit the same, as required in the preceding section, if the lading of such vessel consists wholly of merchandise the produce or manufacture of the United States, distilled spirits excepted, he shall be liable to a penalty of twenty dollars, or if there be distilled spirits, or merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall be liable to a penalty of forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of one hundred dollars. If any of the merchandise laden on board such vessel be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited.

Coasting-vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

#### 275. *Registered vessels in the coasting-trade*

Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting-trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on

board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law.

**276. Report by master.**

R S, 4365

The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of twenty dollars.

**277. Foreign vessels barred from coasting-trade**

R S, 4847  
Feb 16, 1893  
Feb 17, 1898.

No merchandise shall be transported by water under penalty of forfeiture thereof from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which shall not have been unladen shall be carried from one port or place in the United States to another.

June 19, 1886  
Sec 8  
Feb 17, 1898  
Sec 2

No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of two hundred dollars for each passenger so transported and landed.

**278. Immediate exportation to foreign port**

Feb 17, 1898  
Sec. 3

Whenever merchandise is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power, the Secretary of Commerce and Labor is hereby authorized to prescribe regulations for the transshipment and transportation of such merchandise.

Feb 14, 1903.  
Sec. 10

**279. Foreign vessels on coasting voyages**

R S., 4367

The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.

The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty eight hours after his arrival, and previous to the unloading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare, he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed, and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

R. S., 4368

Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of one hundred dollars. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

R. S., 4369

#### 280. *Foreign tug-boats.*

All steam tug-boats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

R. S., 4370

#### 281. *Penalties for violation of coasting laws.*

Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this Title [R. S., 4311-4390], if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

R. S., 4371

Every vessel of twenty tons or upwards, entitled to be documented as a vessel of the United States, other than

June 19, 1836  
Sec 7

registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this title shall be liable to a fine of thirty dollars at every port of arrival without such enrollment or license. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of thirty dollars shall not be incurred.

And so much of section four thousand three hundred and seventy-one of the Revised Statutes as relates to vessels entitled to be documented as vessels of the United States is hereby repealed.

R S, 4372

If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required.

R S, 4377

Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is found with a forged or altered license, or one granted for any other vessel, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel-fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever.

#### 282. *Forfeiture of vessel and merchandise*

R. S., 4378

Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this Title [R S, 4311-4390].

R S, 4379

In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him.

R. S., 4380

All penalties and forfeitures which shall be incurred by virtue of this Title [R. S., 4311-4390] may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed.



## PART XX—TRADE WITH HAWAII

- |     |  |     |                          |
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| 283 | General provisions                     | 286 | Fisheries                |
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| 285 | Quarantine and public health           | 288 | Seamen's laws            |

### 283 *General provisions*

The Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States. *Provided*, That sections eighteen hundred and fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

April 30, 1900  
Sec 5

The laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Sec 6

### 284 *Registry of vessels and coasting trade*

All vessels carrying Hawaiian registers on the twelfth day of August, eighteen hundred and ninety-eight, and which were owned bona fide by the citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde*, and *Wilscott*, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts. [See paragraph 172b, page 152.]

Apr 30, 1900  
Sec 98

### 285. *Quarantine and public health*

Quarantine stations shall be established at such places in the Territory of Hawaii as the Surgeon-General of the Public Health and Marine-Hospital Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Public Health and Marine-Hospital Service of the United

Apr 30, 1900  
Sec 97  
July 1, 1902

States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States.

#### 286. *Fisheries*

April 30, 1900  
Sec 95

All laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this Act unless established as hereinafter provided.

Sec 96

Any person who claims a private right to any such fishery shall, within two years after the taking effect of this Act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

If such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

#### 287 *Wharves, harbors, pilots*

April 30, 1900  
Sec 75

That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the Interior which relate to \* \* \* harbor improvements, wharves, landings, \* \* \* explosives, eminent domain, public works, \* \* \* buildings, \* \* \* now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

Sec 89

Until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues

derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

**288. Seamen's laws.**

*Provided*, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: *Provided further*, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

Apr 30, 1900.  
Sec 10

## PART XXI—TRADE WITH PORTO RICO.

- |  |                                   |
|--|-----------------------------------|
| 289. General provisions                      | 291. Quarantine and public health |
| 290. Registry of vessels and coasting trade. | 292. Harbors and navigable waters |

### 289. *General provisions*

April 12, 1900  
Sec 4

The Secretary of the Treasury shall designate the several ports and subports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions hereof. *Provided, however,* That as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this Act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Porto Rico under the provisions of this Act shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

Sec 8.

The laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States:

Sec 14

The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.

### 290. *Registry of vessels and coasting trade.*

Apr. 12, 1900  
Sec 9.  
Feb 14, 1908  
Sec. 10.

The Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of Commerce and Labor, as he may deem expedient for the nationaliza-

tion of all vessels owned by the inhabitants of Porto Rico on the eleventh day of April, eighteen hundred and ninety-nine, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States. [See Paragraph 172b, page 152.]

**291. Quarantine and public health**

Quarantine stations shall be established at such places in Porto Rico as the Surgeon General of the Public Health and Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

Apr 12, 1900  
Sec 10  
July 1, 1902

**292. Harbors and navigable waters**

All property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the Government established by this Act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

Apr 12, 1900  
Sec. 13

The President be, and he is hereby, authorized to make, within one year after the approval of this Act, such reservation of public lands and buildings belonging to the United States in the island of Porto Rico, for military, naval, light-house, marine-hospital, post-offices, custom-houses, United States courts, and other public purposes, as he may deem necessary, and all the public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in said island and not so reserved be, and the same are hereby, granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island: *Provided*, That said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by

July 1, 1902,

the President under the provisions of this Act. *And provided further*, That nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the first day of May, nineteen hundred.

## PART XXII.—TRADE WITH THE PHILIPPINES.

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293 Treaty of Peace.

294 General provisions

295. Vessels and coasting trade

296. Tariff and internal revenue

297 Aids to navigation and commerce

### 293 *Treaty of Peace*

Spain cedes to the United States the archipelago known as the Philippine Islands. [Article III, Treaty of Paris, Dec. 10, 1898, proclaimed, Apr. 11, 1899] Apr 11, 1899

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States [Article IV, Treaty of Paris, Dec. 10, 1898, proclaimed, Apr. 11, 1899.]

### 294 *General provisions*

The action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission, dated April seventh, nineteen hundred, and in creating the offices of civil governor and vice-governor of the Philippine Islands, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June twenty-first, nineteen hundred and one, and in establishing four executive departments of government in said Islands as set forth in the Act of the Philippine Commission, entitled "An Act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September sixth, nineteen hundred and one, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said Islands shall continue to be governed as thereby and herein provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine Commission." The provisions of section eighteen hundred and ninety-one of the Revised Statutes of eighteen hundred and seventy-eight shall not apply to the Philippine Islands. July 1, 1902

Future appointments of civil governor, vice-governor, members of said Commission and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate

Sec 8

The President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Islands, until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said Islands by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare.

Mar 8, 1902  
Sec 4

The duties and taxes collected in the Philippine Archipelago in pursuance of this Act, and all duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom, shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands

295 *Vessels and coasting trade.*

Mar. 8, 1902  
Sec. 3

On and after the passage of this Act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however,* That until July first, nineteen hundred and four, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago. *And provided further,* That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this Act, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

July 1, 1902  
Sec. 84.

The laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of Congress of March eighth, nineteen hundred and two, "temporarily to provide revenue for the Philippine Is-



lands," shall apply in the case of vessels and goods arriving from said Islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said Islands, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters six and seven, [R. S. 4252-4292] title forty-eight, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said Islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said Islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section three thousand and five, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this Act shall be held to repeal or alter any part of the Act of March eighth, nineteen hundred and two, aforesaid, or to apply to Guam, Tutuila, or Manua, except that section eight of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission on the seventeenth of September, nineteen hundred and one, and approved by an Act entitled "An Act temporarily to provide revenues for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two, is hereby amended so as to authorize the Civil Governor thereof in his discretion to establish the equivalent rates of the money in circulation in said Islands with the money of the United States as often as once in ten days.

#### 296. *Tariff and internal revenue.*

The provisions of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the United States Philippine Commission on the seventeenth day of September, nineteen hundred and one, shall be and remain in full force and effect, and there shall be levied, collected, and paid upon all articles coming into the Philippine Archipelago from the United States the rates of duty which are required by the said Act to be levied, collected, and paid upon like articles imported from foreign countries into said archipelago.

Mar. 8, 1902

On and after the passage of this Act there shall be levied, collected, and paid upon all articles coming into the United

Sec. 2

States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only seventy-five per centum of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Archipelago, as provided by the Act of the United States Philippine Commission referred to in section one of this Act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this Act and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Sec 5

When duties prescribed by this Act are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Sec 6

All articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal-revenue tax, and shall not be charged with duty except the duty levied under this Act upon imports into the Philippine Islands.

All articles subject under the laws of the United States to internal-revenue tax, or on which the internal-revenue tax has been paid, and which may under existing laws and regulations be exported to a foreign country without the payment of such tax, or with benefit of drawback, as the case may be, may also be shipped to the Philippine Islands with like privilege, under such regulations and the filing of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue may, with the approval of the Secretary of the Treasury, prescribe. And all taxes paid upon such articles shipped to the Philippine Islands since November fifteenth, nineteen hundred and one, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe.

Merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less one per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury. Sec 7

The provisions of the Act entitled "An Act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by an Act entitled "An Act to provide for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, shall apply to all articles coming into the United States from the Philippine Archipelago Sec 8

The action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July twelfth, eighteen hundred and ninety-eight, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved. *Provided*, That nothing contained in this section shall be held to amend or repeal an Act entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two. July 1, 1902  
Sec. 2

#### 297. *Aids to navigation and commerce*

The government of the Philippine Islands is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, wharves, piers, light-houses, signal and life-saving stations, July 1, 1902.  
Sec 11

buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of said islands for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges.

## PART XXIII—TRADE WITH ALASKA.

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298	Subject to coasting laws	303	Procedure.
299	Firearms and liquor	304.	St. Paul and St. George islands
300.	Special licenses, and wharf charges	305	Transit in bond
301.	Transfer of cargo.	306.	Crimes and penalties
302	Yukon and Stikine river trade		

### 298 *Subject to coasting laws*

The laws of the United States relating to customs, commerce and navigation are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

R S, 1954

The coasting-trade between the territory ceded to the United States by the Emperor of Russia and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. [See Paragraph 172b, page 152.]

R S, 4858

### 299. *Firearms and liquor*

If any person shall, without the authority of the United States, or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives and associates with Indians any firearms or ammunition therefor whatever, or any spirituous, malt, or vinous liquor, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than two months nor more than six months, or by fine not less than one nor more than five hundred dollars. That the term "Indian" in this Act shall be so construed as to include the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood.

Mar 3, 1899  
Sec 142

No person, corporation, or company shall sell, offer for sale, or keep for sale, traffic in, barter, or exchange for goods in said District of Alaska any intoxicating liquors, except as hereinafter provided; but this shall not apply to

Sec. 462.

sales made by a person under provisions of law requiring him to sell personal property. Wherever the term "intoxicating liquors" is used in this Act, it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, hoochinoo, and all spirituous, vinous, malt, and other fermented or distilled liquors.

Sec 464

Before any license is granted, as provided in this Act in relation to intoxicating liquor, it shall be shown to the satisfaction of said court that a majority of the white male and female residents over the age of eighteen years other than Indians within two miles of the place where intoxicating liquor is to be manufactured, bartered sold and exchanged, or bartered, sold and exchanged, have, in good faith, consented to the manufacture, barter, sale and exchange, or the barter, sale, and exchange of the same, and the burden shall be upon the applicant or applicants to show to the satisfaction of said court that a majority of the white male citizens have consented thereto, and no license shall be granted in the absence of such evidence: *Provided*, That when it is made to appear that a majority of said white male and female residents over the age of eighteen years other than Indians of any one place have consented to the manufacture, barter, sale and exchange, or the barter, sale and exchange of intoxicating liquor, no further proof of the consent of the citizens of the place where said intoxicating liquor is to be manufactured, bartered, sold and exchanged, or bartered, sold and exchanged will be required for twelve months thereafter.

Sec 466

Under the license issued in accordance with this Act no intoxicating liquors shall be sold, given, or in any way disposed of to any minor, Indian or intoxicated person, or to an habitual drunkard.

### 300 *Special licenses, and wharf charges*

Mar 3, 1899  
Sec 400

Any person or persons, corporation or company prosecuting or attempting to prosecute any of the following lines of business within the District of Alaska shall first apply for and obtain license so to do from a district court or a subdivision thereof in said District, and pay for said license for the respective lines of business and trade as follows, to wit:

Fisheries: Salmon canneries, four cents per case; salmon salteries, ten cents per barrel; fish-oil works, ten cents per barrel; fertilizer works, twenty cents per ton

Freight and passenger transportation lines, propelled by mechanical power on inland waters, one dollar per ton per annum on net tonnage, custom-house measurement, of each vessel.

Public docks, wharves, and warehouses, one hundred dollars per annum.

Ships and shipping. Ocean and coastwise vessels doing local business for hire plying in Alaskan waters, one dollar

per ton per annum on net tonnage, custom-house measurement, of each vessel.

Hereafter the Secretary of the Treasury be authorized to charge and fix the rates of dockage and wharfage to be paid by any private vessel or person allowed to use said wharf, the said receipts to be deposited with the Treasurer of the United States as a miscellaneous receipt derived from Government property; and the Secretary of the Treasury shall direct, by regulation or otherwise, by whom said wharfage and dockage receipts shall be collected.

June 11, 1896

Feb 14, 1903

Sec 10

### 301. *Transfer of cargo*

[Sec paragraph 256.]

### 302. *Yukon and Stikine river trade*

Whenever merchandise is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power, the Secretary of Commerce and Labor is hereby authorized to prescribe regulations for the transshipment and transportation of such merchandise.

Feb 17, 1898

Sec 3

Feb 14, 1903

Sec 10

### 303. *Procedure*

In all cases of fine, penalty, or forfeiture, embraced in the act approved March three, seventeen hundred and ninety-seven, chapter thirteen [R. S. 5292], or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without wilful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to, and upon the facts so to be ascertained, he may exercise all the power of remission conferred upon him by that act, as fully as he might have done had such facts been ascertained under and according to the provisions of that act. [Sec. 10, act of Feb. 14, 1903, authorizes the Secretary of Commerce and Labor to remit in certain cases above.]

R S, 1898

Mar 3, 1899

Sec 175

Feb 14, 1903

Sec 10

### 304. *St Paul and St George islands*

The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of Commerce and Labor; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

R S, 1899

Mar 3, 1899

Sec 176

Feb 14, 1903

Sec 7

**305** *Transit in bond.*

May 14, 1898  
Sec 14

Under rules and regulations to be prescribed by the Secretary of the Treasury, the privilege of entering goods, wares, and merchandise in bond or of placing them in bonded warehouses at any of the ports in the District of Alaska, and of withdrawing the same for exportation to any place in British Columbia or the Northwest Territory without payment of duty, is hereby granted to the Government of the Dominion of Canada and its citizens or citizens of the United States and to persons who have declared their intention to become such whenever and so long as it shall appear to the satisfaction of the President of the United States, who shall ascertain and declare the fact by proclamation, that corresponding privileges have been and are being granted by the Government of the Dominion of Canada in respect of goods, wares and merchandise passing through the territory of the Dominion of Canada to any point in the District of Alaska from any point in said District.

**306** *Crimes and penalties*

Mar 3, 1899  
Sec 56

If any person shall willfully cast away, burn, sink, or otherwise destroy any ship, steamboat, or other vessel, with intent to injure or defraud any owner of such ship, steamboat, or other vessel, or with intent to injure or defraud the owner of any property laden on board the same, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than three or more than ten years.

Sec 57

If any person shall lade, equip, or fit out, or assist in lading, equipping, or fitting out, any ship, steamboat, or other vessel, with the intent that the same shall be willfully cast away, burnt, sunk, or otherwise destroyed, to injure or defraud any owner or insurer of said ship, steamboat, or other vessel, or of any property laden on board the same, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than five years.

Sec 58.

If the owner of any ship, steamboat, or other vessel, or of any property laden or pretended to be laden on board the same, or if any other person concerned or assisting in the fitting out or lading of any such ship, steamboat, or other vessel, shall make out or exhibit or cause to be made out or exhibited any false or fraudulent invoice, bill of lading, bill of parcels, or other false estimate of any property laden or pretended to be laden on board of such ship, steamboat, or other vessel, with intent to injure or defraud any insurer of such ship, steamboat, or other vessel or property, or any part thereof, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than three years.



The collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal. [Sec. 10 of the Act of Feb. 14, 1903, bestows this power in certain cases on the Secretary of Commerce and Labor.]

Sec 171

Feb 14, 1903

Sec 10

## PART XXIV.—SEAL AND ALASKA SALMON FISHERIES

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307. Act of December 29, 1897

308. Act of February 21, 1893

309. Act of April 6, 1894

310 Provisions of Revised Statutes

311 Report to Congress

312. Alaska Salmon Fisheries

### 307 Act of December 29, 1897

Dec 29, 1897

No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean north of the thirty-fifth degree of north latitude and including Bering Sea and the sea of Okhotsk.

Sec 2

No citizen of the United States, nor person above described in section one, shall equip, use, or employ, or furnish aid in equipping, using, or employing, or furnish supplies to any vessel used or employed, or to be used or employed in carrying on or taking part in said killing, capturing, or hunting of fur seals in said waters, nor shall any vessel of the United States be so used or employed

Sec 3

Every person guilty of a violation of the provisions of this Act, or of any regulations made thereunder, shall, for each offense, be fined not less than two hundred dollars or more than two thousand dollars, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

Sec 4

If any vessel of the United States shall be found within the waters to which this Act applies, having on board fur-seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals, it shall be presumed that such vessel was used or employed in the killing of said seals, or that said apparatus or implements were used in violation of this Act until the contrary is proved to the satisfaction of the court.

Sec 5

Any violation of this Act or of the regulations thereunder may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

Sec 6

This Act shall not interfere with the privileges accorded to Indians dwelling on the coast of the United States under

section six of the Act of April sixth, eighteen hundred and ninety-four, but the limitations prescribed in said Act shall remain in full force.

This Act shall not affect in any way the killing or taking of fur seals upon the Pribilof Islands, or the laws of the United States relating thereto. Sec 7

Any officer of the Naval or Revenue-Cutter Service of the United States, and any other officers duly designated by the President, may search any vessel of the United States in port or on the high seas suspected of having violated or of having an intention to violate the provisions of this act, and may seize such vessel and the offending officers and crew and bring them into the most accessible port of the States and Territory mentioned in section five of this Act for trial. Sec 8

The importation into the United States by any person whatsoever of fur-seal skins taken in the waters mentioned in this Act, whether raw, dressed, dyed, or manufactured, is hereby prohibited, and all such articles imported after this Act shall take effect shall not be permitted to be exported, but shall be seized and destroyed by the proper officers of the United States. Sec 9

The President shall have power to make all necessary regulations to carry this Act into effect. Sec 10

308 *Act of February 21, 1893.*

Whenever the Government of the United States shall conclude an effective international arrangement for the protection of fur seals in the North Pacific Ocean, by agreement with any power, or as a result of the decision of the tribunal of arbitration under the convention concluded between the United States and Great Britain February twenty-ninth, eighteen hundred and ninety-two, and so long as such arrangement shall continue, the provisions of section nineteen hundred and fifty-six of the Revised Statutes, and all other provisions of the statutes of the United States, so far as the same may be applicable, relative to the protection of fur seals and other fur-bearing animals within the limits of Alaska or in the waters thereof, shall be extended to and over all that portion of the Pacific Ocean included in such international arrangement. Feb 21, 1893

Whenever an effective international arrangement is concluded as aforesaid, it shall be the duty of the President to declare that fact by proclamation, and to designate the portion of the Pacific Ocean to which it is applicable, and that this act has become operative; and likewise when such arrangement ceases, to declare that fact and that this act has become inoperative, and his proclamation with respect thereto shall be conclusive.

During the extension as aforesaid of said laws for the protection of fur seals and other fur-bearing animals all violations thereof in said designated portion of the Pacific Ocean shall be held to be the same as if committed within

the limits of Alaska or in the waters thereof, but they may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

309. *Act of April 6, 1894*

Apr 6 1894

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the twenty-ninth of February, eighteen hundred and ninety-two, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland were delivered to the agents of the respective governments on the fifteenth day of August, eighteen hundred and ninety-three:

ARTICLE 1.

The governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilof Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

ARTICLE 2.

The two governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the first of May to the thirty-first of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven between the United States and Russia, and following that line up to Berings Straits.

ARTICLE 3.

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will however be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

ARTICLE 4.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose

by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government

#### ARTICLE 5

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two governments to the other at the end of each fishing season.

#### ARTICLE 6.

The use of nets, firearms and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring sea, during the season when it may be lawfully carried on.

#### ARTICLE 7.

The two governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

#### ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

#### ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in

part, abolished or modified by common agreement between the governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

*Now therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilof Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said islands, inclusive of the territorial waters.

Sec 2

No citizen of the United States, or person above described in section one of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the first day of May to the thirty-first day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section one, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven, between the United States and Russia, and following that line up to Behring Straits.

Sec 3

No citizen of the United States or person above described, in the first section of this Act, shall, during the period and in the waters in which by section two of this Act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails as may belong to, and be used in connection with, such sailing vessels; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose.

Sec. 4

Every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number

and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

No person or vessel engaging in fur-seal fishing operations under this Act shall use or employ in any such operations, any net, firearm, airgun, or explosive: *Provided, however,* That this prohibition shall not apply to the use of shotguns in such operations outside of Behring Sea during the season when the killing of fur seals is not there prohibited by this Act. Sec 5

The foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however,* That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands. Sec 6

The President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this Act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient. Sec 7

Except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this Act, every person guilty of a violation of the provisions of this Act, or of the regulations made thereunder, shall for each offense be fined not less than two hundred dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States. Sec 8

Any violation of this Act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington. Sec 9.

If any unlicensed vessel of the United States shall be found within the waters to which this Act applies, and at a time when the killing of fur seals is by this Act there prohibited, having on board seal skins or bodies of seals, or apparatus, or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters Sec. 10

to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this Act until it is otherwise sufficiently proved.

Sec. 11.

It shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this Act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this Act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this Act, there to be dealt with according to law.

Sec 12

Any vessel or citizen of the United States, or person described in the first section of this Act, offending against the prohibitions of this Act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however*, That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this Act.

### 310. *Provisions of Revised Statutes.*

R S, 1956  
MAR. 3, 1899  
Sec 178.

No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur-

Feb. 14, 1904  
Sec. 7



seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant special privileges under this section.

Section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea, and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper if any such there be published at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

Mar 2, 1880  
Sec 3

It shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September and October in each year and it shall be unlawful to kill such seals at any time by the use of fire-arms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor

R S, 1960  
Mar 21, 1874  
Mar 3, 1899  
Sec 177

It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

Feb 14, 1903  
Sec 7

R S, 1961  
Mar 3, 1899.  
Sec 178

When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pursuant to the act of July one, one thousand eight hundred and seventy, chapter one hundred and eighty-nine, [R. S. 1957, 1960-1971, 5293] or when any future similar lease expires, or is surrendered, forfeited,

R S, 1963

Feb 14, 1903  
Sec 7

or terminated, the Secretary of Commerce and Labor shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable

R S, 1964  
Feb 14, 1903  
Sec. 7

The Secretary of Commerce and Labor shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of Commerce and Labor, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

R S, 1965  
Feb. 14, 1903  
Sec 7

No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins, and the Secretary of Commerce and Labor shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens

R S, 1966

Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

R S, 1967

Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employés, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nine-

teen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States

If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

R S ,1908

In addition to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of Commerce and Labor is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

R S ,1909

Feb 14,1903  
Sec 7

The Secretary of Commerce and Labor may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

R S ,1970  
Feb 14,1903  
Sec 7

The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the government revenue-officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

R S ,1971

### 311. *Report to Congress*

The governor [of Alaska] shall from time to time inquire into the operations of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the district, and any and all violations by such person, company, association, or corporation of the agreement with the United States under which the operations are being conducted, and shall annually report to Congress the result of such inquiries.

June 6,1900  
Sec 2

### 312 *Alaska salmon fisheries*

The erection of dams, barricades, fish wheels, fences, or any such fixed or stationary obstructions in any part of the rivers or streams of Alaska, or to fish for or catch salmon or salmon trout in any manner or by any means, with the purpose or result of preventing or impeding the ascent of salmon to their spawning ground, is hereby declared

Mar. 3,1899  
Sec. 179

Feb 14, 1901  
Sec 7

to be unlawful, and the Secretary of Commerce and Labor is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

Mar 3, 1899  
Sec 180

It shall be unlawful to fish, catch, or kill any salmon of any variety except with rod or spear above the tide waters of any creeks or rivers of less than five hundred feet width in the Territory of Alaska, except only for purposes of propagation, or to lay or set any drift net, set net, trap, pound net, or seine for any purpose across the tide waters of any river or stream for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within one hundred yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any of the waters of the Territory of Alaska, either in the streams or tide waters, except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto, from midnight on Friday of each week until six o'clock antemeridian of the Sunday following; or to fish for or catch or kill in any manner or on any appliance except by rod or spear any salmon in any stream of less than one hundred yards in width in the said Territory of Alaska between the hours of six o'clock in the evening and six o'clock in the morning of the following day of each and every day of the week.

Mar 3, 1899  
Sec 181  
Feb 14, 1908  
Sec 7

The Secretary of Commerce and Labor may, at his discretion, set aside any streams as spawning grounds, in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit salmon to increase. *Provided, however,* That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further,* That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked.

Mar 3, 1899  
Sec 182

To enforce the provisions of law herein and such regulations as the Secretary of Commerce and Labor may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries, at a salary of one thousand eight hundred dollars per annum, and two assistant inspectors, at a salary of one thousand six hundred dollars each per annum; that he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized

Feb. 14, 1903  
Sec 7

and for such other expenditures as may be necessary to carry out the provisions of the law herein.

Any person violating the provisions of sections one hundred and seventy-nine, one hundred and eighty, and one hundred and eighty-one of this act or the regulations established in pursuance of section one hundred and eighty-two of this act shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for a term not exceeding ninety days, or both such fine and imprisonment, at the discretion of the court, and, further, in case of the violation of any of the provisions of section one hundred and seventy-nine, and conviction thereof, a further fine of two hundred and fifty dollars per diem will be imposed for each day that the obstruction or obstructions therein are maintained

Mar 3, 1899  
Sec 163

## PART XXV—QUARANTINE AND BILLS OF HEALTH

313 Consular bill of health  
314. Quarantine regulations  
315. Quarantine inspection  
316 Quarantine anchorage.  
317 Suspension of commerce

318. Penalties  
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320. Removal of cargo  
321. Removal of custom-house

### 313. *Consular bill of health*

Feb 15, 1893

It shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with, this act, and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding five thousand dollars, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

Sec 2

Any vessel at any foreign port clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnish-

ing information and making the inspection and giving the bills of health heretofore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than five thousand dollars, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States. The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels.

Aug 18, 1894

Any vessel sailing from any foreign port without the bill of health required by section two of this Act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States

Feb 15, 1893

Sec 11

Mar 3, 1901

#### 314. *Quarantine regulations*

The Surgeon-General of the Public-Health and Marine-Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious

Feb 15, 1893

Sec 3

July 1, 1902

diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, which shall be published and communicated to and enforced by the consular officers of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.

Feb 16, 1891  
Sec 5

The Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise made publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port



of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew, and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular officer or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

### 315 *Quarantine inspection*

On the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station.

Feb 15, 1893  
Sec 6

### 316. *Quarantine anchorage*

The Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person, other than State or municipal health or quarantine officers, trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed

Feb 15, 1893.  
Sec 10  
Mar 3, 1901

guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this Act or any rule or regulation made in accordance with this Act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

### 317 *Suspension of commerce*

Feb 16, 1893  
Sec. 7

Whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

Mar 27, 1890

Whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, small-pox or plague exists in any State or Territory, or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. The said rules and regulations shall be prepared by the Surgeon-General of the Public Health and Marine Hospital Service under the direction of the Secretary of the Treasury, and any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

July 1, 1902

**318 Penalties**

Any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in Section 1 of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

Mar 27, 1890  
Sec 2

When any common carrier or officer, agent, or employé of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in Section 1 of this act, such common carrier, officer, agent, or employé shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years or both, in the discretion of the court.

Sec

Whenever any person shall trespass upon the grounds belonging to any quarantine reservation, such person, trespassing, shall, upon conviction thereof, pay a fine of not more than three hundred dollars, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court. And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Public Health and Marine-Hospital Service, or by any officer of the customs service, or by any State officer acting under authority of section five of said act.

Aug 1, 1888

July 1, 1902

**319. State health laws**

The quarantines and other restraints established by the health-laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue-cutters, and by the military officers commanding in any fort or station upon the sea-coast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health-laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this Title [R. S., 4792-4800] shall enable any State to collect a duty of tonnage or impost without the consent of Congress.

R S, 4792

320. *Removal of cargo.*

R. S., 4793

Wherever, by the health-laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection-district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health-laws require or permit the cargo of the vessel to be unladen at some other place within or near to such district, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unloading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health-laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue.

R. S., 4794

There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health-laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health-laws may require.

R. S., 4795

Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health-laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

R. S., 4796

The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health-laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established.

321. *Removal of custom-house*

Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection-district, it becomes dangerous or inconvenient for the officers of the revenue employed therein to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the Comptroller, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection-district. And at such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be.

R S, 4797

## PART XXVI.—IMMIGRATION.

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**322.** Scope  
**323.** Head money.  
**324.** Prohibited immigrants  
**325.** Assisted immigrants  
**326.** Diseased immigrants  
**327.** Landing  
**328.** Manifests of immigrants.

**329.** Inspection  
**330.** Deportation  
**331.** Immigration through Canada or Mexico.  
**332.** Miscellaneous  
**333.** Naturalization

### **322. Scope**

Mar 3, 1903  
Sec 33

For the purposes of this Act the words "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory or other place now subject to the jurisdiction thereof.

### **323. Head money**

Mar 3, 1903  
Sec 1

There shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of

Feb 14, 1905  
Sec 7

such vessels, and the payment of such duty may be enforced by any legal or equitable remedy; the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory. *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

Feb 14, 1903  
Sec 7

#### 324. *Prohibited immigrants*

The following classes of aliens shall be excluded from admission into the United States. All idiots, insane persons, epileptics, and persons who have been insane within five years previous, persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars, persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude, polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials, prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein, and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this Act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country. *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Mar 3, 1903  
Sec 2

Sec 3

The importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

Sec 38

No person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe.

Feb 14, 1903  
Sec 7Mar 3, 1903  
Sec 38

Any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

### 325 *Assisted immigrants*

Mar 3, 1903  
Sec 4

It shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

Sec 5

For every violation of any of the provisions of section four of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who



shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts, of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

It shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case. *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

Sec

No transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States, shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this Act.

Sec 7

All contracts or agreements, expressed or implied, oral or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

Feb 26, 1885  
Sec 2

The following classes of aliens shall be excluded from admission into the United States, \* \* \* any person whose ticket or passage is paid for with the money of another \* \* \* unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to \* \* \* the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five.

Mar 3, 1891  
Sec. 1.

326. *Diseased immigrants*

Mar 3, 1903  
Sec 9

Feb 14, 1903  
Sec 7

It shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section, and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

Mar 3, 1903  
Sec 10

The decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

Sec 11

July 1, 1902

Upon the certificate of a medical officer of the Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Mar 3, 1903  
Sec 37

Feb 14, 1903  
Sec 7

Whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

**327 Landing**

Any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

Mar 3, 1903  
Sec 8

It shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law

Sec 16

**328. Manifests of immigrants**

Upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex, whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and

Mar 3, 1903  
Sec 12

treatment of the insane or supported by charity; whether a polygamist; whether an anarchist, whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health mental and physical, and whether deformed or crippled, and if so, for how long and from what cause

Sec 13.

All aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect

Sec 14

The surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

Sec 15

In the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

329. *Inspection*

Upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this Act it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees. *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

Mar 3, 1903  
Sec 16

The physical and mental examination of all arriving aliens shall be made by medical officers of the Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

Sec 17

July 1, 1902

Feb 14, 1903  
Sec 7

330. *Deportation*

All aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels

Mar 3, 1903  
Sec 19

Feb 14, 1903  
Sec 7

shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid. *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act. *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

Mar 3, 1903  
Sec 20

Any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this Act.

Mar 3, 1903  
Sec 21  
Feb 14, 1903  
Sec 7

In case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this Act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that can not be so done, at the expense of the immigrant fund provided for in section one of this Act, and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

The deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Mar 3, 1903  
Sec 35

All persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came.

Feb 23, 1887  
Sec 8

### 331 *Immigration through Canada or Mexico*

The Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

Mar 3, 1903  
Sec 32  
Feb 14, 1903  
Sec 7

### 332 *Miscellaneous*

All steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of Commerce and Labor that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States

Mar 3, 1893  
Sec 8  
Feb 14, 1903  
Sec 7

No bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of Commerce and Labor.

Mar 3, 1903  
Sec 26

No suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued

Feb 14, 1903  
Sec 7

Mar 3, 1903  
Sec 27

without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Sec 28

Nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing Act or any Acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this Act had not been passed

Sec 29

The circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

Sec 30

After the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe. *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this Act.

Feb 14, 1903  
Sec 7

Mar 3, 1903  
Sec 31

For the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Sec 36

All Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration, or exclusion of Chinese persons or persons of Chinese descent

### 333 *Naturalization*

Mar 3, 1903  
Sec 39

No person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this Act, shall be naturalized or be made a citizen of the United



States All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

Any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

Any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

## PART XXVII—CHINESE IMMIGRATION

<b>334</b> Administration of laws <b>335</b> Act of April 29, 1902. <b>336</b> Act of May 5, 1892, as amended November 3, 1893 <b>337</b> Act of September 13, 1888, as amended October 1, 1888	<b>338</b> Act of May 6, 1882, as amended July 5, 1884. <b>339</b> Revised Statutes, as amended March 3, 1875
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### **334 Administration of laws**

Feb 14, 1903  
Sec 7

The authority, power and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor.

### **335 Act of April 29, 1902**

Apr 29, 1902

All laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled "An Act to prohibit the coming of Chinese laborers into the United States" approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, re-enacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the

same group, and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section

The Secretary of Commerce and Labor is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this Act and of the Acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts

Sec 2  
Feb 14, 1903  
Sec 7

Nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by Act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Commerce and Labor may prescribe, both as to the admission and return of such person or persons

Apr 29, 1902  
Sec 3

Feb 14, 1903  
Sec 7

It shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this Act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this Act, said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Apr 29, 1902  
Sec 4

Mar 3, 1903  
Secs 7, 33

336 *Act of May 5, 1892, as amended November 3, 1893*

May 5, 1892

All laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act

Sec 2

Any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country. *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China

Sec 3

Any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

Sec 4

Any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided

Sec 5

After the passage of this act on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay

Sec 6

Nov 3, 1893

Sec 1

It shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate, United States marshal or his deputies, and taken before a United

Feb 14, 1903

Sec 7

States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued. *Provided*, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

The words "laborer" or "laborers," wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant", as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than

Nov 3, 1893  
Sec 2

Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

Such order of deportation shall be executed by the United States Marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch, and pending the execution of such order such Chinese person shall remain in the custody of the United States Marshal, and shall not be admitted to bail.

Feb 14, 1903  
Sec 7

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate of the district in which such Chinaman makes application.

May 5, 1892.  
Sec 7  
Feb 14, 1903  
Sec 7

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of Commerce and Labor

The Secretary of Commerce and Labor shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicant. Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of Commerce and Labor, and a duplicate thereof shall be filed in the office of such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate for the district within which such Chinaman makes application

May 5, 1892  
Sec 8

Any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

Sec 9  
Feb 14, 1903  
Sec 7.

The Secretary of Commerce and Labor may authorize the payment of such compensation in the nature of fees to such officers under the control of the Commissioner-

General of Immigration as the Secretary of Commerce and Labor may designate for services performed under the provisions of this act in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of one dollar for each certificate issued.

It shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing

Mar 3, 1901

No warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued

Sec 3

Feb 14, 1903  
Sec 7

So much of the amount hereby appropriated as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article Three of the treaty with China of eighteen hundred and ninety-four.

Mar 4, 1903

*337. Act of September 13, 1888, as amended October 1, 1888*

From and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

Sept 13, 1888  
Sec 5

No Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the right parties as man and wife. If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are undiscovered and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

Sec 6

A Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to such officers under the control of the Commissioner-General of

Sec. 7

Feb 14, 1903.  
Sec. 7

Immigration as the Secretary of Commerce and Labor may designate of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said officers a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officers such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Commerce and Labor, and for any false swearing in relation thereto he shall incur the penalties of perjury. He shall also permit such officers to take a full description of his person, which description such officers shall retain and mark with a number.

And if such officer under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time, and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return. If this last named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.

And no Chinese laborer shall be permitted to re-enter the United States without producing to such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate at the port of such entry the return certificate herein required.

A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Commerce and Labor.



The Secretary of Commerce and Labor shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles

Sept 13, 1888  
Sec 8  
Feb 14, 1903  
Sec 7

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued

The master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.

Sept 13, 1888  
Sec. 9

The foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessels shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

Sec 10

Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Sec 11.

Any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by

Sec. 13

any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers

Sec 14

The preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Commerce and Labor, without production of other evidence than that of personal identity.

Feb 14, 1903  
Sec 7

Oct 1, 1888

From and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

Sec 8.

All the duties prescribed, liabilities penalties and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

**338. Act of May 6, 1882, as amended July 5, 1884**

July 5, 1884

From and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States.

Sec. 6

In order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may

be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign Government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid:

*Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word "merchant," hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be vised by the endorsement of the diplomatic representative of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart, and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

Such certificate vised as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities

Feb 14, 1903  
Sec 7

of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States, but said certificate may be controverted and the facts therein stated disproved by the United States authorities.

May 6, 1882  
Sec 7

Any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

July 5, 1884  
Sec 8

The master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time.

Feb 14, 1903  
Sec 7.

Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates, and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Any refusal or wilful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

May 6, 1882  
Sec 9  
Feb 14, 1903  
Sec 7

Before any Chinese passengers are landed from any such vessel such officers under the control of the Commissioner-General of Immigration as the Secretary of Commerce and Labor may designate shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

July 5, 1884  
Sec 10

Every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

Sec 11

Any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or

abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year

No Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel Sec 12.

And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States.

And in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal, and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act.

This act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons. Sec 13

Hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. May 6, 1882  
Sec 14

The provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power. July 5, 1884  
Sec 15

And the words "Chinese laborers," wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding Sec 16

one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

**339** *Revised Statutes as amended March 3, 1875*

R S., 2158

No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself, or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies", to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

Mar 3, 1875  
Sec 1

If any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly-trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year

R S., 2159

If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "coolly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.

R S., 2160

Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year

R S., 2161

June 23, 1874

Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel, and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.

R S , 2162

The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever, in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law

R S , 2163

No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

R S , 2164

In determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

Mar 3, 1875

If any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United

Sec 2

States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.



## PART XXVIII.—OCEAN MAIL SERVICE

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340. *Special ocean mail contracts*  
341. *General ocean mail service*

342. *United States mail agencies abroad*

### 340 *Special ocean mail contracts*

The Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf and Pacific ports. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named. Mar. 3, 1891

Before making any contracts for carrying ocean mails in accordance with this act the Postmaster-General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Saint Louis, Charleston, Norfolk, Savannah, Galveston and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter eight of title [R. S., 2941-2963] forty-six of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service. Sec. 2

The vessels employed in the mail service under the provisions of this Act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the Sec. 3

United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers.

They shall be divided into four classes. The first shall be iron or steel screw steamships, capable of maintaining a speed of twenty knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than eight thousand tons. No vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain. The second class shall be iron or steel steamships, capable of maintaining a speed of sixteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than five thousand tons. The third class shall be iron or steel steamships, capable of maintaining a speed of fourteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than two thousand five hundred tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of twelve knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than fifteen hundred tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships.

Sec. 4

All steamships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than six inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

Sec. 5

The rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of four dollars a mile, and for the second-class ships two

dollars a mile, by the shortest practicable route, for each outward voyage; for the third-class ships not to exceed one dollar a mile, and for the fourth-class ships two-thirds of one dollar a mile, for the actual number of miles required by the Post Office Department to be traveled on each outward bound voyage: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General. *Provided further*, That no steamship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

Upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail-messenger, whose duty it shall be to receive, sort, take in charge and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails. Sec 6

The officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors, may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties. *Provided*, That they shall only be required to perform such duties as appertain to the merchant service. Sec 7

Said vessels shall take, as cadets or apprentices, one American-born boy, under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable. Sec 8

Such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree. Sec 9

#### 341. General ocean mail service

For transportation of foreign mails, two million five hundred and sixty-six thousand dollars, including addi-

Mar. 3, 1903

tional compensation to the Oceanic Steamship Company for transporting the mails by its steamer sailing from San Francisco to Tahiti, all mails made up in the United States destined for the island of Tahiti, forty-five thousand dollars. *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed one dollar per mile, as authorized by Act of March third, eighteen hundred and ninety-one, entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

R S., 3969

The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States.

R S., 3970

The Postmaster-General may, if he deem it for the public interest, make contracts for any period not exceeding one year, for carrying the mails in steamships between any of the ports of the United States.

R S., 3976  
June 26, 1894  
Sec 23

Upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States

R S., 3977

The master of any steamboat passing between ports or places in the United States, and arriving at any such port or place where there is a post-office, shall deliver to the postmaster, within three hours after his arrival, if in the day-time, and if at night, within two hours after the next sunrise, all letters and packets brought by him, or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or packet so delivered, unless the same is carried under a contract for carrying the mails, and for every failure to so deliver such letters and packets, the master or owner of the steamboat shall be liable to a penalty of one hundred and fifty dollars.

R S., 3978

The Postmaster-General may pay, to the master or owner of any vessel not regularly employed in carrying the mail, two cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States, but all such letters shall be deposited in the post-office at the port of arrival.

R S., 3987

No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post-office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section three thousand nine hundred and ninety-three; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care

or control, and will not receive or convey any letter or packet contrary to the provisions of this section.

No vessel arriving within any port or collection-district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered at the nearest post-office, and the master thereof has signed and sworn to the following declaration, before the collector or other proper customs officer: R S, 3988

"I, A. B., master of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered, at the post-office at ———, every letter, and every bag, packet, or parcel of letters, which were on board the said vessel during her last voyage, or which were in my possession or under my power or control."

And any master who shall break bulk before he has delivered such letters shall be liable to a penalty of not more than one hundred dollars, recoverable, one-half to the officer making the seizure, and the other to the use of the United States.

Any special agent of the Post-Office Department, when instructed by the Postmaster-General to make examinations and seizures, and the collector or other customs officers of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. R S, 3989

Any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel or any post-route, and convey the same to the nearest post-office, or may, by the direction of the Postmaster-General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. R S, 3990

Every package or parcel seized by any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating the revenue laws shall apply to officers making seizures for violating the postal laws. R S, 3991

Nothing herein contained shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only. R S, 3992

The Postmaster-General, after advertising for proposals, may enter into contracts or make suitable arrangements for R S, 4006

transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points, but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor.

R S, 4007

The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

R. S., 4008.

The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships, but the Postmaster-General may have such transportation performed by sailing-vessels when the service can be facilitated thereby.

R S, 4009

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea-postage, on the mail so transported. [Amended by March 3, 1891, p 299.]

R S, 4010

The Postmaster-General may impose fines on contractors for transporting the mail between the United States and any foreign country, for any unreasonable or unnecessary delay in the departure of such mail, or the performance of the trip; but the fine for any one default shall not exceed one-half the contract price for the trip.

R. S., 4011

Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

R S., 4012

The Postmaster-General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post-office department of the country whose privilege is to be annulled.

The Postmaster-General, under the direction of the President of the United States, is hereby authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet-ship or other vessel, the same rate or rates of charge for American postage which the government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such government, and at any time to revoke the same; and all custom-house officers and other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post-office.

R S, 4015

#### 342. *United States mail agencies abroad*

The Postmaster-General may establish resident mail-agencies at the ports of Panama and Aspinwall, in New Granada, Havana, in Cuba; at Saint Thomas, and at such other foreign ports at which United States mail-steamers touch to land and receive mails, as may, in his judgment, promote the efficiency of the foreign mail-service; and may pay the agents employed by him at such ports, out of the appropriation for transportation of the mail, a reasonable compensation for their services, and the necessary expenses for office-rent, clerk-hire, office-furniture, and other incidentals, to be allowed him at each of such agencies.

R S, 4021

The Postmaster-General may appoint an agent in charge of the mail on board of each of the mail-steamers on the routes between San Francisco, Japan, and China; between San Francisco and Honolulu, in the Hawaiian Islands, and between New York and Rio Janeiro, who shall be allowed, out of the appropriation for transportation of the mail, a salary of two thousand dollars a year each.

R S, 4022

The Postmaster-General may establish, in connection with the mail-steamship service to Japan and China, a general postal agency at Shanghai, in China, or at Yokohama, in Japan, with such branch agencies at any other ports in China and Japan as he shall deem necessary for the prompt and efficient management of the postal service in those countries; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for rent, furniture, clerk-hire, and incidental expenses.

R S, 4023

## PART XXIX — WRECKS

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343. Report of wrecks  
344. Canadian wrecks

345. Wrecks in foreign waters  
346. Wrecks in Florida waters

### 343. *Report of wrecks*

June 20, 1874  
Sec 10

Whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of one hundred dollars.

Sec 11

Whenever the managing owner or agent of any vessel of the United States has reason, owing to the non-appearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able; and if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of one hundred dollars.

Sec 12

It shall be the duty of the collectors of customs to immediately transmit to the Secretary of the Treasury such



reports and information as they may receive under the provisions of the two preceding sections, and they shall also report to the Secretary of the Treasury any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof

The Secretary of Commerce and Labor may, upon application therefor, remit or mitigate any penalty provided for in this Act, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper. All penalties herein provided may be sued for, prosecuted, recovered, and disposed of in the manner prescribed by section forty-three hundred and five of the Revised Statutes.

Sec 13  
Mar 3, 1897  
Sec 11  
Feb 14, 1903  
Sec 10

#### 344 *Canadian wrecks*

Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada: *Provided*, That this act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions. This act shall be construed to apply to the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and canal: *And provided further*, That this act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada.

May 24, 1890

Mar 3, 1893

#### 345 *Wrecks in foreign waters*

Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

R S, 423

346. *Wrecks in Florida waters*

R S, 4239

All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

R S, 4240

Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

R S, 4241

No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida, and, before licensing any vessel or master, the judge shall be satisfied that the vessel is sea-worthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

## PART XXX.—REVENUE CUTTERS.

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### 347 *Revenue cutters*

The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the revenue-cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the revenue-cutter service, and not otherwise.

R S , 2747

The Secretary of the Treasury may direct the performance of any service by the revenue-vessels which, in his judgment, is necessary for the protection of the revenue

R S , 2758

The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

R S , 2760

The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of vessels and otherwise, for the better detection of frauds.

R S , 2763

The cutters and boats employed in the service of the revenue shall be distinguished from other vessels by an ensign and pendant, with such marks thereon as shall be prescribed by the President. If any vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending shall be liable to a penalty of one hundred dollars.

R S , 2764

Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being

R S , 2765

chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the revenue service, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail.

July 7, 1884

Hereafter revenue cutters shall be used exclusively for the public service, and in no way for private purposes

## PART XXXI.—REMISSION OF FINES AND PENALTIES.

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### 348 *Remission of fines and penalties*

Whenever any person who shall have incurred any fine, penalty, or forfeiture, or disability, or may be interested in any vessel or merchandise which has become subject to any seizure, forfeiture, or disability by authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels and for regulating the same, or providing for the suppression of insurrections or unlawful combinations against the United States, shall prefer his petition to the judge of the district in which such fine, penalty, or forfeiture, or disability has accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted, the judge shall inquire, in a summary manner, into the circumstances of the case; first causing reasonable notice to be given to the person claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts appearing upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury [Secretary of Commerce and Labor in some cases]. The Secretary shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same was incurred without willful negligence, or any intention of fraud in the person incurring the same; and to direct the prosecution, if any has been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.

The Secretary of the Treasury [Secretary of Commerce and Labor in some cases] is authorized to prescribe such rules and modes of proceeding to ascertain the facts upon which an application for remission of a fine, penalty, or forfeiture is founded, as he deems proper, and, upon ascertaining them, to remit the fine, penalty, or forfeiture, if in his opinion it was incurred without willful negligence or fraud, in either of the following cases:

First. If the fine, penalty, or forfeiture was imposed under authority of any revenue law, and the amount does not exceed one thousand dollars.

R S, 5292

Feb 14, 1903  
Sec 10

R S, 5293  
Feb 14, 1903  
Sec 10

Second Where the case occurred within either of the collection districts in the States of California or Oregon.

Third. If the fine, penalty, or forfeiture was imposed under authority of any provisions of law relating to the importation of merchandise from foreign contiguous territory, or relating to manifests for vessels enrolled or licensed to carry on the coasting-trade on the northern, northeastern, and northwestern frontiers.

Mar 3, 1899  
175

Fifth If the fine, penalty, or forfeiture was imposed by authority of any provisions of laws for levying or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, and the case arose within the collection-district of Alaska, or was imposed by virtue of any provisions of law relating to fur-seals upon the islands of Saint Paul and Saint George.

R S, 5204  
Dec 15, 1894  
Mar 2, 1896  
Feb 14, 1903  
Sec 10

The Secretary of Commerce and Labor may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the penalty or forfeiture, and the Secretary shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper.

R S, 5295

Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture.

June 26, 1884  
Sec 26

Feb 14, 1903  
Sec 10

Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of Commerce and Labor if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

## PART XXXII—CATTLE, LIVE STOCK AND DAIRY TRADE

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|------------------------------------|--|
| 349. Regulation of cattle ships    | 356. Quarantine of live stock                |
| 350. Inspection of live stock      | 357. Exportation of diseased live stock      |
| 351. Horses and horse meat         | 358. Care of cattle in domestic trade        |
| 352. Inspection of meat for export | 359. Neat cattle                             |
| 353. Interstate trade              | 360. Inspection of butter and dairy products |
| 354. Inspection of pork and bacon  |  |
| 355. Diseased cattle               |  |

### 349. *Regulation of cattle ships*

The Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, as to space, ventilation, fittings, food and water supply and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals

Mar 3, 1891

Whenever the owner, owners, or master of any vessel carrying export cattle shall willfully violate or cause or permit to be violated any rule, regulation or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly.

Sec 2

### 350. *Inspection of live stock*

The Secretary of Agriculture shall cause to be made a careful inspection of all cattle intended for export to foreign countries from the United States, at such times and places, and in such manner, as he may think proper, with a view to ascertaining whether such cattle are free from disease; and for this purpose he may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such animals are found, and no clearance shall be given to any vessel having on board cattle for exportation to a foreign country unless the owner or shipper of such cattle has a certificate from the inspector herein authorized to be appointed, stating that said cattle are sound and free from disease.

Mar 3, 1891

351. *Horses and horse meat*

Mar 22, 1898

Live horses and the carcasses and products thereof be entitled to the same inspection as other animals, carcasses, and products thereof, herein named. *Provided further*, That the Secretary of Agriculture may in his discretion waive the requirement of a certificate with beef and other products, which are exported to countries that do not require such inspection

May 25, 1900

352 *Inspection of meat for export*

Mar 3, 1891

Sec 2

Mar 2, 1895

Sec 1

The Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended for exportation to any foreign country, at such times and places, and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease, and their meat sound and wholesome, and may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act a certificate that said cattle were free from disease and that their meat is sound and wholesome.

Mar 8, 1891

Sec 3

The Secretary of Agriculture shall cause to be inspected prior to their slaughter, all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered at slaughter-houses, canning, salting, packing or rendering establishments in any State or Territory, the carcasses or products of which are to be transported and sold for human consumption in any other State or Territory, or the District of Columbia. And in addition to the aforesaid inspection, there may be made in all cases where the Secretary of Agriculture may deem necessary or expedient, under rules and regulations to be by him prescribed, a post mortem examination of the carcasses of all cattle, sheep, and hogs about to be prepared for human consumption at any slaughter-house, canning, salting, packing or rendering establishment in any State or Territory, or the District of Columbia which are the subjects of interstate commerce.

Sec 4

Mar 2, 1895

Said examination shall be made in the manner provided by rules and regulations to be prescribed by the Secretary of Agriculture, and after said examination the carcasses and products of all cattle, sheep, and swine found to be free of disease and wholesome, sound, and fit for human food shall be marked, stamped, or labeled for identification as may be provided by said rules and regulations of the Secretary of Agriculture. Any person who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or



destroy any of the marks, stamps, or other devices provided for in the regulations of the Secretary of Agriculture, of any such carcasses or their products, or who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any certificate or stamp provided in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

### 353 *Interstate trade*

The Secretary of Agriculture is hereby authorized to make such rules and regulations as he may decide to be necessary to prevent the transportation from one State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia or to any foreign country, of the condemned carcasses or parts of carcasses of cattle, sheep, and swine, which have been inspected in accordance with the provisions of this act. Any person, company, or corporation owning or operating any such slaughter-house, abattoir, or meat curing, packing, or canning establishment, or any employee of the same, that shall willfully violate any provision of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished for each offense by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mar 3, 1891

Sec 4

Mar 2, 1895

It shall be unlawful for any person to transport from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or for any person to deliver to another for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia the carcasses of any cattle, sheep, or swine, or the food products thereof, which have been examined in accordance with the provisions of sections three and four of this act, and which on said examination have been declared by the inspector making the same to be unsound or diseased. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and punished for each offense as provided in section four of this act.

Mar 3, 1891

Sec 5

The inspectors provided for in sections one and two of this act shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, and swine, their carcasses and products described in sections three and four of this act, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, and swine, or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

Sec 6

Sec 7

None of the provisions of this act shall be so construed as to apply to any cattle, sheep, or swine slaughtered by any farmer upon his farm, which may be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia. *Provided, however,* That if the carcasses of such cattle, sheep, or swine go to any packing or canning establishment and are intended for transportation to any other State or Territory or the District of Columbia as hereinbefore provided, they shall there be subject to the post mortem examination provided for in sections three and four of this act.

### 354 *Inspection of pork and bacon*

Aug 30, 1880

The Secretary of Agriculture may cause to be made a careful inspection of salted pork and bacon intended for exportation, with a view to determining whether the same is wholesome, sound, and fit for human food whenever the laws, regulations, or orders of the Government of any foreign country to which such pork or bacon is to be exported shall require inspection thereof relating to the importation thereof into such country, and also whenever any buyer, seller, or exporter of such meats intended for exportation shall request the inspection thereof. Such inspection shall be made at the place where such meats are packed or boxed, and each package of such meats so inspected shall bear the marks, stamps, or other device for identification provided for in the last clause of this section: *Provided,* That an inspection of such meats may also be made at the place of exportation if an inspection has not been made at the place of packing, or if in the opinion of the Secretary of Agriculture, a re-inspection becomes necessary. One copy of any certificate issued by any such inspector shall be filed in the Department of Agriculture; another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignør or shipper of such meat as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act and found to be wholesome, sound, and fit for human food; and for the identification of the same such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe shall be affixed to each of such packages. Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in this section on any package of any such meats, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate in reference to meats provided for in this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

355 *Diseased cattle*

The importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited, and any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation with the knowledge of the master or owner of said vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States.

Aug. 30, 1890  
Sec 6356 *Quarantine of live stock*

The Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described, and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act.

Aug. 30, 1890  
Sec 7

The importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited; and the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise the Secretary of Agriculture shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this act.

Sec 8

If any animals subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

• Sec 9

Whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

Sec 10

The Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture;

And the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe, and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

### 357. *Exportation of diseased live stock*

Feb 2, 1903

In order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot and mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other live stock, and to prevent the spread of such diseases, the powers conferred on the Secretary of the Treasury by sections four and five of an Act entitled "An Act for the establishment of a Bureau of Animal Industry, to prevent

the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," approved May twenty-ninth, eighteen hundred and eighty-four (twenty-third United States Statutes, thirty-one), are hereby conferred on the Secretary of Agriculture, to be exercised exclusively by him. He is hereby authorized and directed, from time to time, to establish such rules and regulations concerning the exportation and transportation of live stock from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia and to foreign countries, as he may deem necessary, and all such rules and regulations shall have the force of law. Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other live stock which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenic fever infection, pleuropneumonia, foot and mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion. Sec 2

Any person, company, or corporation knowingly violating the provisions of this Act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine Sec 3

of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

**358** *Care of cattle in domestic trade*

R S, 4386

No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated

R S, 4387

Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats or vessels transporting the same at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

R S, 4388

Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

R S, 4389

The penalty created by the preceding sections shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States, holden within the district where the violation may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge.

R S, 4390

Any person or corporation entitled to a lien under section forty-three hundred and eighty-seven may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished, or the owner or custodian of the property resides;

and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the preceding sections.

### 359. *Neat cattle*

The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

Aug 27, 1891  
Sec 17  
July 21, 1897  
Sec 25

Any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

Aug 27, 1891  
Sec 18  
July 21, 1897  
Sec 26

Whenever the Secretary of Agriculture shall certify to the President of the United States what countries or parts of countries are free from contagious or infectious diseases of domestic animals, and that neat cattle, domestic animals, and hides can be imported from such countries without danger to the domestic animals of the United States, the President of the United States may suspend the prohibition of the importation of neat cattle, domestic animals, and hides, in the manner provided by law. That the President be, and he is hereby, authorized to cause correspondence and negotiation to be had, through the Department of State or otherwise, with the authorities of the Kingdom of Great Britain, for the purpose of securing the abrogation or modification of the regulations now enforced by said authorities which require cattle imported into Great Britain from the United States of America to be slaughtered at the port of entry, and prohibiting the same from being carried alive to other places in said Kingdom.

Apr 25, 1896

Apr 23, 1897

### 360 *Inspection of butter and dairy products*

All parts of an Act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen

May 9, 1902  
Sec 5

hundred and ninety-five, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

Mar. 2, 1901  
June 8 1902

The Secretary of Agriculture may construe the provisions of the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country, and may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.



## PART XXXIII—ADULTERATED PRODUCTS

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### 361. General provision

### | 362. Adulterated food products

#### 361. *General provision*

The Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture of the contents of the package, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package.

Mar 3, 1903

#### 362. *Adulterated food products*

It shall be unlawful to import into the United States any adulterated or unwholesome food or drug or any vinous, spirituous or malt liquors, adulterated or mixed with any poisonous or noxious chemical drug or other ingredient injurious to health. Any person who shall knowingly import into the United States any such adulterated food or drug, or drink, knowing or having reasons to believe the same to be adulterated, being the owner or the agent of the owner, or the consignor or consignee of the owner, or in privity with them, assisting in such unlawful act, shall be deemed guilty of a misdemeanor, and liable to prosecution therefor in the district court of the United States for the district into which such property is imported; and, on conviction, such person shall be fined

Aug 30, 1890  
Sec 2

in a sum not exceeding one thousand dollars for each separate shipment, and may be imprisoned by the court for a term not exceeding one year, or both, at the discretion of the court

Sec 3

Any article designed for consumption as human food or drink, and any other article of the classes or description mentioned in this act, which shall be imported into the United States contrary to its provisions, shall be forfeited to the United States, and shall be proceeded against under the provisions of chapter eighteen of title thirteen of the Revised Statutes of the United States [R. S. 911-1042;]

And such imported property so declared forfeited may be destroyed or returned to the importer for exportation from the United States after the payment of all costs and expenses, under such regulations as the Secretary of the Treasury may prescribe, and the Secretary of the Treasury may cause such imported articles to be inspected or examined in order to ascertain whether the same have been so unlawfully imported.

Sec 4

Whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended

## PART XXXIV.—TEA TRADE.

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### 363. *Tea trade*

It shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section three of this Act, and the importation of all such merchandise is herewith prohibited Mar 2, 1897

Immediately after the passage of this Act, and on or before February fifteenth of each year thereafter, the Secretary of the Treasury shall appoint a board, to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea; that the persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year, that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of the Treasury by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of fifty dollars per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs." Sec 2

The Secretary of the Treasury, upon the recommendation of the said board, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the custom-houses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section hereof Sec 3

On making entry at the custom-house of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector Sec 4

of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or in the discretion of the Secretary of the Treasury, such samples shall be obtained by the examiner and compared by him with the standards established by this Act; and in cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section seven, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in section seven. *Provided, however,* That the bond above required shall also be conditioned for the payment of all custom house charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this Act

Sec 5

If, after an examination as provided in section four, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section six, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the custom-house, unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous. *Provided,* That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in section six.

Sec 6

In case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to a board of three United States general appraisers, to be designated by the Secretary of the Treasury, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer, but if upon such final reexamination by such board the tea shall be found to be inferior in

purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.

The examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section four of this Act, shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or boards of United States general appraisers under the provisions of this Act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis. Sec 7

In cases of reexamination of teas, or merchandise described as teas, by a board of United States general appraisers in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The board of United States general appraisers herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding five dollars. Sec 8

No imported teas which have been rejected by a customs examiner or by a board of United States general appraisers, and exported under the provisions of this Act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition. Sec 9

The Secretary of the Treasury shall have the power to enforce the provisions of this Act by appropriate regulations. Sec 10.

## PART XXXV—OPIUM TRADE

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### 354. *Opium trade*

Feb 23, 1887

The importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited. Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec 2

Every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States, and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

Sec 3

No citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by both such punishments, in the discretion of the court.

The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law.

Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China.

## PART XXXVI.—RULES TO PREVENT COLLISIONS.

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| <p>365. Duty to stay by.<br/>366. International rules of 1897<br/>367. Consideration of future rules<br/>368. Inland rules of 1897<br/>369. Limits of application of International and inland or local rules<br/>370. Rules for the Great Lakes and the St. Lawrence River.</p> | <p>371. Rules for the Red River of the North, and rivers emptying into Gulf of Mexico<br/>372. River navigation<br/>373. Rules for the St. Mary's River<br/>374. Special rules for regattas</p> |
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### 365 *Duty to stay by*

Sept 4, 1890

In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Sec 2

Every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of one thousand dollars, or imprisonment for a term not exceeding two years, and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person; one-half such sum to be payable to the informer and the other half to the United States.

### 366 *International rules of 1897*

Aug 19, 1890

The following regulations for preventing collisions at sea shall be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith, navigable by sea-going vessels.



## PRELIMINARY DEFINITIONS

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam-vessel.

The word "steam-vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground.

## II—LIGHTS AND SO FORTH.

The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

ARTICLE 1 The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

## STEAM VESSELS—MASTHEAD LIGHT.

ART 2 A steam-vessel when under way shall carry—  
(a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than forty feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

## STEAM VESSELS—SIDE LIGHTS

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

## STEAM VESSELS—RANGE LIGHTS

(e) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

## STEAM-VESSELS WHEN TOWING.

ART. 3. A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart, and when towing more than one vessel shall carry an additional bright white light six feet above or below such light, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article two (a), excepting the additional light, which may be carried at a height of not less than fourteen feet above the hull.

Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

## SPECIAL LIGHTS

ART. 4. (a) A vessel which from any accident is not under command shall carry at the same height as a white light mentioned in article two (a), where they can best be seen, and if a steam-vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.

(b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article two (a), and if a steam-vessel in lieu of that light, three lights in a vertical line one over the other not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon, at a distance of at least two miles. By day she shall carry in a vertical line, one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in

shape and red in color, and the middle one diamond in shape and white

(c) The vessels referred to in this article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.

(d) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and can not therefore get out of the way

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article thirty-one.

#### LIGHTS FOR SAILING VESSELS AND VESSELS IN TOW.

ART. 5. A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article two for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry

#### LIGHTS FOR SMALL VESSELS

ART. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights can not be fixed, these lights shall be kept at hand, lighted and ready for use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the star-board side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

#### LIGHTS FOR SMALL STEAM AND SAIL VESSELS AND OPEN BOATS.

ART. 7. Steam-vessels of less than forty, and vessels under oars or sails of less than twenty tons gross tonnage, respectively, and rowing boats, when under way, shall not be required to carry the lights mentioned in article two (a), (b), and (c), but if they do not carry them they shall be provided with the following lights: May 28, 1894

First. Steam-vessels of less than forty tons shall carry—

(a) In the fore part of the vessel or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in article two (a), and of such a character as to be visible at a distance of at least two miles.

(b) Green and red side-lights constructed and fixed as prescribed in article two (b) and (c), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lanterns shall be carried not less than three feet below the white light.

Second. Small steamboats, such as are carried by sea-going vessels, may carry the white light at a less height than nine feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision one (b).

Third. Vessels under oars or sails of less than twenty tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fourth. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article four (a) and article eleven, last paragraph.

#### LIGHTS FOR PILOT VESSELS

Aug 19, 1890

ART. 8. Pilot-vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with green glass on the one side and red glass on the other, to be used as prescribed above.

Pilot-vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

Feb 19, 1900  
Sec. 1, 2

A steam-pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white mast-

head light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

#### LIGHTS, ETC., OF FISHING VESSELS

ART 9. [Article nine, act of August 19, 1890, was repealed by act of May 28, 1894, and article 10, act of March 3, 1885, was reenacted in part by act of August 13, 1894, and is reproduced here in part as article 9. It will be the object of further consideration by the maritime powers.]

Mar 3, 1885  
Aug 19, 1890  
May 28, 1891  
Aug 13, 1891

Fishing-vessels of less than twenty tons net registered tonnage, when under way and when not having their nets, trawls, dredges, or lines in the water, shall not be obliged to carry the colored side lights; but every such vessel shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side, and on approaching to or being approached by another vessel such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

#### LIGHTS FOR FISHING VESSELS OFF EUROPEAN COASTS.

The following portion of this article applies only to fishing-vessels and boats when in the sea off the coast of Europe lying north of Cape Finistère:

(a) All fishing-vessels and fishing-boats of twenty tons net registered tonnage or upward, when under way and when not having their nets, trawls, dredges, or lines in the water, shall carry and show the same lights as other vessels under way.

(b) All vessels when engaged in fishing with drift-nets shall exhibit two white lights from any part of the vessel where they can be best seen. Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than ten feet, and so that the horizontal distance between them, measured in a line with the keel of the vessel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character and contained in lanterns of such construction as to show all round the horizon, on a dark night, with a clear atmosphere, for a distance of not less than three miles.

(c) All vessels when trawling, dredging, or fishing with any kind of drag-nets shall exhibit, from some part of the

vessel where they can be best seen, two lights. One of these lights shall be red and the other shall be white. The red light shall be above the white light, and shall be at a vertical distance from it of not less than six feet and not more than twelve feet, and the horizontal distance between them, if any, shall not be more than ten feet. These two lights shall be of such a character and contained in lanterns of such construction as to be visible all round the horizon, on a dark night, with a clear atmosphere, the white light to a distance of not less than three miles, and the red light of not less than two miles.

(d) A vessel employed in line-fishing, with her lines out, shall carry the same lights as a vessel when engaged in fishing with drift-nets.

(e) If a vessel, when fishing with a trawl, dredge, or any kind of drag-net, becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and make the fog-signal for a vessel at anchor.

(f) Fishing-vessels may at any time use a flare-up in addition to the lights which they are by this article required to carry and show. All flare-up-lights exhibited by a vessel when trawling, dredging, or fishing with any kind of drag-net shall be shown at the after-part of the vessel, excepting that if the vessel is hanging by the stern to her trawl, dredge, or drag-net, they shall be exhibited from the bow.

(g) Every fishing-vessel when at anchor between sunset and sunrise shall exhibit a white light, visible all round the horizon at a distance of at least one mile.

(h) In a fog a drift-net vessel attached to her nets, and a vessel when trawling, dredging, or fishing with any kind of drag-net, and a vessel employed in line fishing with her lines out, shall, at intervals of not more than two minutes, make a blast with her fog-horn and ring her bell alternately.

#### LIGHTS FOR AN OVERTAKEN VESSEL

Aug 19, 1890

ART. 10. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as near as practicable on the same level as the side lights.

#### ANCHOR LIGHTS

ART. 11. A vessel under one hundred and fifty feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding twenty feet

above the hull, a white light, in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by article four (a)

#### SPECIAL SIGNAL.

ART. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

#### NAVAL LIGHTS AND RECOGNITION SIGNALS

ART. 13. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship-owners, which have been authorized by their respective Governments and duly registered and published

#### STEAM VESSEL UNDER SAIL BY DAY

ART. 14. A steam-vessel proceeding under sail only but having her funnel up, shall carry in day-time, forward, where it can best be seen, one black ball or shape two feet in diameter

### III.—SOUND SIGNALS IN FOG, ETC.

#### PRELIMINARY.

ART 15. All signals prescribed by this article for vessels under way shall be given: June 10, 1896

First. By "steam vessels" on the whistle or siren.

Second. By "sailing vessels" and "vessels towed" on the fog horn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds duration.

A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam,

so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, to be sounded by mechanical means, and also with an efficient bell. (In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small seagoing vessels.) A sailing vessel of twenty tons gross tonnage or upwards shall be provided with a similar fog horn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely:

#### STEAM VESSEL UNDER WAY.

(a) A steam vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

(b) A steam vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between.

#### SAIL VESSEL UNDER WAY.

(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast, when on the port tack, two blasts in succession, and when with the wind abaft the beam, three blasts in succession.

#### VESSELS AT ANCHOR OR NOT UNDER WAY

(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

#### VESSELS TOWING OR TOWED.

(e) A vessel when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by the rules, shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than two minutes, sound three blasts in succession, namely. One prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

#### SMALL SAILING VESSELS AND BOATS.

Sailing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.



## SPEED IN FOG.

ART. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard for the existing circumstances and conditions. AUG 19, 1890

A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

## IV.—STEERING AND SAILING RULES

## PRELIMINARY

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

## SAILING VESSELS

ART. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel.

## STEAM VESSELS

ART. 18. When two steam-vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her

own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

#### TWO STEAM-VESSELS CROSSING.

ART. 19. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

#### STEAM-VESSEL SHALL KEEP OUT OF THE WAY OF SAILING-VESSEL

ART. 20. When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.

#### COURSE AND SPEED.

May 28, 1894

ART. 21. Where, by any of these rules, one of two vessels is to keep out of the way the other shall keep her course and speed.

NOTE.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision can not be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. (See articles twenty-seven and twenty-nine.)

#### CROSSING AHEAD

Aug 19, 1890

ART. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

#### STEAM-VESSELS SHALL SLACKEN SPEED OR STOP.

ART. 23. Every steam-vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

#### OVERTAKING VESSELS.

ART. 24. Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

#### NARROW CHANNELS.

ART. 25 In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

#### RIGHT OF WAY OF FISHING VESSELS

ART. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats.

#### GENERAL PRUDENTIAL RULE

ART. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

#### SOUND SIGNALS FOR PASSING STEAMERS.

ART. 28. The words "short blast" used in this article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namely:

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going at full speed astern."

## PRECAUTION.

ART 29. Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

ART 30. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland waters.

## DISTRESS SIGNALS.

May 28, 1894.

ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the daytime—

First. A gun or other explosive signal fired at intervals of about a minute.

Second. The international code signal of distress indicated by N C.

Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball

Fourth. A continuous sounding with any fog-signal apparatus.

At night—

First. A gun or other explosive signal fired at intervals of about a minute.

Second. Flames on the vessel (as from a burning tar barrel, oil barrel, and so forth).

Third. Rockets or shells throwing stars of any color or description, fired one at a time, at short intervals

Fourth. A continuous sounding with any fog-signal apparatus.

367. *Consideration of future rules*

Feb 5, 1896

The Secretary of State is hereby authorized to reconvene the delegates of the United States to the Washington International Marine Conference of eighteen hundred and eighty-nine, whenever in his judgment it is expedient, for the further consideration of rules to prevent collisions at sea and in the waters of the United States.

368. *Inland rules of 1897*

June 7, 1897

The following regulations for preventing collision shall be followed by all vessels navigating all harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and are hereby declared special rules duly made by local authority.

Every pilot, engineer, mate, or master of any steam-vessel, and every master or mate of any barge or canal-boat, who neglects or refuses to observe the provisions of this Act, or the regulations established in pursuance of the preceding section [see section 2, page 351], shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal: *Provided*, That nothing herein shall relieve any vessel, owner or corporation from any liability incurred by reason of such neglect or refusal. Sec 3

Every vessel that shall be navigated without complying with the provisions of this Act shall be liable to a penalty of two hundred dollars, one-half to go to the informer, for which sum the vessel so navigated shall be liable and may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense. Sec 4

#### PRELIMINARY DEFINITIONS

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel. June 7, 1897

The word "steam-vessel" shall include any vessel propelled by machinery.

A vessel is "under way," within the meaning of these rules, when she is not at anchor, or made fast to the shore, or aground.

#### II —LIGHTS AND SO FORTH.

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

ARTICLE 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

#### STEAM VESSELS—MASTHEAD LIGHT.

ART. 2. A steam-vessel when under way shall carry—  
(a) On or in front of the foremast, or, if a vessel without a foremast, then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

#### STEAM VESSELS—SIDE LIGHTS.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light

from right ahead to two points abaft the beam on the star-board side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

#### STEAM VESSELS—RANGE LIGHTS.

(e) A sea-going steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

(f) All steam-vessels (except sea going vessels and ferry-boats), shall carry in addition to green and red lights required by article two (b), (c), and screens as required by article two (d), a central range of two white lights, the after-light being carried at an elevation at least fifteen feet above the light at the head of the vessel. The head-light shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after-light so as to show all around the horizon.

#### STEAM-VESSELS WHEN TOWING.

ART. 3. A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, and when towing more than one vessel shall carry an additional bright white light three feet above or below such lights, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article two (a) or the after range light mentioned in article two (f).

Such steam vessels may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

## LIGHTS FOR SAILING VESSELS AND VESSELS IN TOW.

ART. 5. A sailing-vessel under way or being towed shall carry the same lights as are prescribed by article two for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

## LIGHTS FOR FERRY-BOATS, BARGES, AND CANAL-BOATS IN TOW.

The supervising inspectors of steam-vessels and the Supervising Inspector-General shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferry-boats and by barges and canal-boats when in tow of steam-vessels, not inconsistent with the provisions of this Act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce and Labor, are hereby declared special rules duly made by local authority, as provided for in article thirty of chapter eight hundred and two of the laws of eighteen hundred and ninety. Two printed copies of such rules shall be furnished to such ferry-boats and steam-vessels, which rules shall be kept posted up in conspicuous places in such vessels.

Sec 2

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Sec 10

## LIGHTS FOR SMALL VESSELS.

ART. 6. Whenever, as in the case of vessels of less than ten gross tons under way during bad weather, the green and red side-lights can not be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

June 7, 1897.

ART. 7. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

## LIGHTS FOR PILOT VESSELS.

ART. 8. Pilot-vessels when engaged on their stations on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side nor the red light on the starboard side.

A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot-vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

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Secs 1, 2

A steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

#### LIGHTS, ETC., OF FISHING VESSELS.

June 7, 1897

ART. 9. (a) Fishing-vessels of less than ten gross tons, when under way and when not having their nets, trawls, dredges, or lines in the water, shall not be obliged to carry the colored side-lights; but every such vessel shall, in lieu thereof, have ready at hand a lantern with a green glass on one side and a red glass on the other side, and on approaching to or being approached by another vessel such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

(b) All fishing-vessels and fishing-boats of ten gross tons or upward, when under way and when not having their nets, trawls, dredges, or lines in the water, shall carry and show the same lights as other vessels under way.

(c) All vessels, when trawling, dredging, or fishing with any kind of drag-nets or lines, shall exhibit, from some part of the vessel where they can be best seen, two lights. One of these lights shall be red and the other shall be white. The red light shall be above the white light, and shall be at a vertical distance from it of not less than six



feet and not more than twelve feet, and the horizontal distance between them, if any, shall not be more than ten feet. These two lights shall be of such a character and contained in lanterns of such construction as to be visible all round the horizon, the white light a distance of not less than three miles and the red light of not less than two miles.

#### LIGHTS FOR RAFTS, OR OTHER CRAFT, NOT PROVIDED FOR.

(d) Rafts, or other water craft not herein provided for, navigating by hand power, horse power, or by the current of the river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels.

#### LIGHTS FOR AN OVERTAKEN VESSEL.

ART. 10. A vessel which is being overtaken by another, except a steam-vessel with an after range-light showing all around the horizon, shall throw from her stern to such last-mentioned vessel a white light or a flare-up light.

#### ANCHOR LIGHTS.

ART. 11. A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

A vessel of one hundred and fifty feet or upwards in length when at anchor shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

#### SPECIAL SIGNALS.

ART. 12. Every vessel may, if necessary, in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.

#### NAVAL LIGHTS AND RECOGNITION SIGNALS.

ART. 13. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing

under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective Governments, and duly registered and published.

#### STEAM VESSEL UNDER SAIL BY DAY.

ART. 14 A steam-vessel proceeding under sail only, but having her funnel up, may carry in daytime, forward, where it can best be seen, one black ball or shape two feet in diameter.

### III.—SOUND SIGNALS IN FOG, ETC.

#### PRELIMINARY.

ART. 15 All signals prescribed by this article for vessels under way shall be given:

1. By "steam-vessels" on the whistle or siren.
2. By "sailing-vessels" and "vessels towed" on the fog horn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds duration.

A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, also with an efficient bell. A sailing-vessel of twenty tons gross tonnage or upward shall be provided with a similar fog horn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely:

#### STEAM VESSEL UNDER WAY.

- (a) A steam-vessel under way should sound, at intervals of not more than one minute, a prolonged blast.

#### SAIL VESSEL UNDER WAY

- (c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession, and when with the wind abaft the beam, three blasts in succession.

#### VESSELS AT ANCHOR OR NOT UNDER WAY.

- (d) A vessel when at anchor shall, at intervals, of not more than one minute, ring the bell rapidly for about five seconds.

#### VESSELS TOWING OR TOWED.

- (e) A steam-vessel when towing, shall, instead of the signals prescribed in subdivision (a) of this article, at intervals

of not more than one minute, sound three blasts in succession, namely, one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

#### RAFTS, OR OTHER CRAFT NOT PROVIDED FOR.

(f) All rafts or other water craft, not herein provided for, navigating by hand power, horse power, or by the current of the river, shall sound a blast of the fog-horn, or equivalent signal, at intervals of not more than one minute.

#### SPEED IN FOG.

ART. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam-vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

### IV.—STEERING AND SAILING RULES.

#### PRELIMINARY.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

#### SAILING VESSELS.

ART. 17. When two sailing-vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel.

#### STEAM VESSELS.

ART. 18. RULE I. When steam-vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the

other; and either vessel shall give, as a signal of her intention, one short and distinct blast of her whistle, which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other. But if the courses of such vessels are so far on the starboard of each other as not to be considered as meeting head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other.

The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as to see both the sidelights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

**RULE III** If, when steam-vessels are approaching each other, either vessel fails to understand the course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam-whistle.

**RULE V.** Whenever a steam-vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam-vessel approaching from the opposite direction can not be seen for a distance of half a mile, such steam-vessel, when she shall have arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam-whistle, which signal shall be answered by a similar blast, given by any approaching steam-vessel that may be within hearing. Should such signal be so answered by a steam-vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly.

When steam-vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

**RULE VIII.** When steam-vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead,

she shall give one short blast of the steam-whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall put her helm to port; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam-whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall put her helm to starboard; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify the same by giving several short and rapid blasts of the steam-whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached a point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.

RULE IX. The whistle signals provided in the rules under this article, for steam-vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. In fog, mist, falling snow or heavy rainstorms, when vessels can not see each other, fog-signals only must be given

#### SUPPLEMENTARY REGULATIONS.

The supervising inspectors of steam-vessels and the Supervising Inspector-General shall establish such rules to be observed by steam-vessels in passing each other and as to the lights to be carried by ferry-boats and by barges and canal-boats when in tow of steam-vessels, not inconsistent with the provisions of this act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce and Labor, are hereby declared special rules duly made by local authority, as provided for in article thirty of chapter eight hundred and two of the laws of eighteen hundred and ninety. Two printed copies of such rules shall be furnished to such ferry-boats and steam-vessels, which rules shall be kept posted up in conspicuous places in such vessels.

Sec 2

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Sec 10

#### TWO STEAM-VESSELS CROSSING.

ART. 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

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#### STEAM-VESSEL SHALL KEEP OUT OF THE WAY OF SAILING-VESSEL.

ART. 20. When a steam-vessel and sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.

## COURSE AND SPEED.

ART. 21. Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed.

[See articles 27 and 29.]

## CROSSING AHEAD

ART. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

## STEAM-VESSELS SHALL SLACKEN SPEED OR STOP.

ART. 23. Every steam-vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

## OVERTAKING VESSELS.

ART. 24. Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

## NARROW CHANNELS.

ART. 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

## RIGHTS OF WAY OF FISHING VESSELS.

ART. 26. Sailing-vessels under way shall keep out of the way of sailing-vessels or boats fishing with nets, or lines or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing-vessels or boats.

## GENERAL PRUDENTIAL RULE.

ART. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

## SOUND SIGNALS FOR PASSING STEAMERS.

(See Art. 18.)

ART. 28. When vessels are in sight of one another a steam-vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle.

## PRECAUTION.

ART. 29. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

## LIGHTS ON UNITED STATES NAVAL VESSELS AND REVENUE CUTTERS.

ART. 30. The exhibition of any light on board of a vessel of war of the United States or a revenue cutter may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it

## DISTRESS SIGNALS.

ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

## IN THE DAYTIME

A continuous sounding with any fog-signal apparatus, or firing a gun.

## AT NIGHT.

First. Flames on the vessel as from a burning tar barrel, oil barrel, and so forth.

Second. A continuous sounding with any fog-signal apparatus, or firing a gun.

369 *Limits of application of international and inland or local rules*

Feb 10, 1895

Sec 2

Feb 14, 1903

Sec 10

The Secretary of Commerce and Labor is hereby authorized, empowered and directed from time to time to designate and define by suitable bearings or ranges with light houses, light vessels, buoys or coast objects, the lines dividing the high seas from rivers, harbors and inland waters. The words "inland waters" used in this Act shall not be held to include the Great Lakes and their connecting and tributary waters as far east as Montreal;

LINES ESTABLISHING HARBORS, RIVERS, AND INLAND WATERS  
OF THE UNITED STATES, WITHIN WHICH THE INLAND  
RULES ARE TO APPLY.

[Bearings are magnetic and given approximately ]

New York Harbor: From Navesink (southerly) light-house NE.  $\frac{3}{4}$  E., easterly, to Scotland light-vessel; thence NNE.  $\frac{1}{2}$  E. through Gedney Channel Whistling Buoy to Rockaway Point Life-Saving Station.

Baltimore Harbor and Chesapeake Bay. From Cape Henry light-house NE. by E  $\frac{1}{4}$  E., easterly, to Outer Entrance Whistling Buoy; thence N. by E.  $\frac{1}{4}$  E. to Cape Charles light-house.

Galveston Harbor. From Galveston Bar Whistling Buoy N by W.  $\frac{1}{4}$  W. through the beacon marking the outer extremity of the N jetty, and SW by W.  $\frac{1}{4}$  W., westerly, through North Breaker Beacon.

Boston Harbor: From Point Allerton NNE.  $\frac{1}{4}$  E., easterly, through Point Allerton Beacon to Northeast Grave Whistling Buoy, thence NNE.  $\frac{1}{4}$  E. to Outer Breaker (Great Pig Rocks) Bell Buoy; thence NE by E  $\frac{1}{4}$  E. to Halfway Rock Beacon; thence NE. by E.  $\frac{1}{4}$  E. to Eastern Point light-house.

San Francisco Harbor. From Point Bonita light-house SE.  $\frac{1}{4}$  S. to Point Lobos.

Philadelphia Harbor and Delaware Bay: From Cape Henlopen light-house NE by E to South Shoal Whistling Buoy; thence NNE  $\frac{1}{4}$  E. to Cape May light-house.

Charleston Harbor. From Charleston light-vessel NW.  $\frac{1}{4}$  W. (toward Sullivans Island Range Rear Light) to the North Jetty, and from Charleston light-vessel SW.  $\frac{1}{4}$  W. to Charleston Whistling Buoy; thence SW.  $\frac{1}{4}$  W. to Charleston Main Channel Entrance Bell Buoy; thence W. to Folly Island.

Savannah Harbor and Calibogue Sound. From Tybee Whistling Buoy NNW  $\frac{1}{4}$  W. through North Slue Channel Outer Buoy to Braddock Point, Hilton Head Island, and from Tybee Whistling Buoy W. to Tybee Island.

St. Simon Sound (Brunswick Harbor) and St. Andrew Sound: From hotel on beach of St Simon Island  $\frac{1}{4}$  mile NE. by E.  $\frac{1}{4}$  E. from St. Simon light-house, SE.  $\frac{1}{4}$  E. to St. Simon Sea Buoy; thence S.  $\frac{1}{4}$  E to St. Andrew's Sound Sea Buoy; thence W to the shore of Little Cumberland Island.



Pensacola Harbor: From Pensacola Entrance Whistling Buoy N.  $\frac{1}{2}$  W., a tangent to the E. side of Fort Pickens, to the shore of Santa Rose Island, and from the Whistling Buoy NW  $\frac{1}{4}$  W. to Fort McRee Range Front Light.

Mobile Harbor and Bay: From Mobile Bay Outer or Deep Sea Whistling Buoy (or its watch buoy in summer) NE. by N. to the shore of Mobile Point, and from the Whistling Buoy NW by W. to the shore of Dauphin Island.

New Orleans Harbor and the Delta of the Mississippi: From South Pass East Jetty light-house N. by E.  $\frac{1}{2}$  E. to Pass a Loutre light-house; thence N. to Errol Island and from South Pass East Jetty light-house W.  $\frac{1}{2}$  S. to Southwest Pass light-house; thence N. to shore.

San Diego Harbor. From Point Loma light-house S.  $\frac{1}{2}$  E. to San Diego Bay Outside Bar Whistling Buoy, thence NNE.  $\frac{1}{2}$  E. to tower of Coronado Hotel.

Columbia River Entrance: From Cape Disappointment light-house SE  $\frac{1}{4}$  E. to Point Adams light-house.

Cutler (Little River) Harbor, Me.: A line drawn from Long Point SW by W  $\frac{1}{2}$  W. to Little River Head.

Little Machias Bay, Machias Bay, Englishman Bay, Chandler Bay, Moosabec Reach, Pleasant Bay, Narragansett Bay, and Pigeon Hill Bay, Me.: A line drawn from Little River Head WSW  $\frac{1}{4}$  W. to the outer side of Old Man; thence WSW.  $\frac{1}{2}$  W. to the outer side of Double Shot Islands; thence W  $\frac{1}{2}$  S. to Libby Islands light-house; thence WSW.  $\frac{1}{4}$  W. to Moose Peak light-house; thence WSW.  $\frac{1}{4}$  W. to Little Pond Head; from Pond Point, Great Wass Island, W. by S. to outer side of Crumple Island; thence W  $\frac{1}{2}$  S. to Petit Manan light-house.

All harbors on the coasts of Maine, New Hampshire, and Massachusetts between Petit Manan light-house, Me. and Cape Ann light-houses, Mass.: A line drawn from Petit Manan light-house SW.  $\frac{3}{4}$  S., 26 $\frac{1}{2}$  miles, to Mount Desert light-house; thence W.  $\frac{3}{4}$  S., 33 $\frac{1}{2}$  miles, to Matineus Rock light-houses; thence WNW.  $\frac{1}{2}$  W., 20 miles, to Monhegan Island light-house; thence W., 21 miles, to Seguin Island Whistling Buoy; thence W.  $\frac{1}{4}$  S., 19 miles, to Old Anthony Whistling Buoy, off Cape Elizabeth; thence SW., 28 miles, to Boon Island light-house; thence SW.  $\frac{1}{4}$  W., 12 miles, to Anderson Ledge Spindle, off Isles of Shoals light-house; thence S. by W.  $\frac{1}{4}$  W., 19 $\frac{1}{2}$  miles, to Cape Ann light-houses, Massachusetts. (Lines heretofore established for Portland Harbor, and Kittery Harbor, Me., Portsmouth Harbor, New Hampshire, Newburyport, Ipswich and Annisquam harbors, Massachusetts, are hereby canceled.)

All harbors in Cape Cod Bay, Mass.: A line drawn from Plymouth (Gurnet) light-houses E., 16 $\frac{1}{2}$  miles, to Race Point light-house.

Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, Block Island Sound, and easterly entrance to Long Island Sound. A line drawn from Chatham light-houses, Mass., S. by E.  $\frac{3}{4}$  E., about 6 miles, to Northeast Shue Channel Whistling Buoy (Pollock Rip); thence S. by W.  $\frac{1}{2}$  W., about 11 miles, to Great Round Shoal light-vessel:

thence SSW.  $\frac{1}{2}$  W.,  $7\frac{1}{2}$  miles, to Sankaty Head light-house; from the westerly end of Tuckernuck Island NW. by W.  $\frac{1}{2}$  W., about  $5\frac{1}{2}$  miles, to Wasque Point, Chappaquiddick Island; from Gay Head light-house W.  $\frac{1}{2}$  S., 35 miles, to Block Island (SE.) light-house; thence W.  $\frac{1}{2}$  S., 15 miles, to Montauk Point light-house, on the easterly end of Long Island, New York.

St Johns River, Florida. A straight line from the outer end of the northerly jetty to the outer end of the southerly jetty.

**370. Rules for the Great Lakes and the St Lawrence River as far east as Montreal**

Feb 8, 1895

The following rules for preventing collisions shall be followed in the navigation of all public and private vessels of the United States upon the Great Lakes and their connecting and tributary waters as far east as Montreal.

**STEAM AND SAIL VESSELS.**

**RULE 1.** Every steam vessel which is under sail and not under steam, shall be considered a sail vessel, and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The word steam vessel shall include any vessel propelled by machinery. A vessel is under way within the meaning of these rules when she is not at anchor or made fast to the shore or aground.

**LIGHTS**

**RULE 2.** The lights mentioned in the following rules and no others shall be carried in all weathers from sunset to sunrise. The word visible in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

**RULE 3.** Except in the cases hereinafter expressly provided for, a steam vessel when under way shall carry:

(a) On or in front of the foremast, or if a vessel without a foremast, then in the forepart of the vessel, at a height above the hull of not less than twenty feet, and if the beam of the vessel exceeds twenty feet, then at a height above the hull not less than such beam, so, however, that such height need not exceed forty feet, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side, a green light, so constructed as to throw an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the star-

board side, and of such a character as to be visible at a distance of at least two miles

(c) On the port side, a red light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) A steamer of over one hundred and fifty feet register length shall also carry when under way an additional bright light similar in construction to that mentioned in subdivision (a), so fixed as to throw the light all around the horizon and of such character as to be visible at a distance of at least three miles. Such additional light shall be placed in line with the keel at least fifteen feet higher from the deck and more than seventy-five feet abaft the light mentioned in subdivision (a)

#### VESSELS TOWING.

RULE 4. A steam vessel having a tow other than a raft shall in addition to the forward bright light mentioned in subdivision (a) of rule three carry in a vertical line not less than six feet above or below that light a second bright light of the same construction and character and fixed and carried in the same manner as the forward bright light mentioned in said subdivision (a) of rule three. Such steamer shall also carry a small bright light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

RULE 5. A steam vessel having a raft in tow shall, instead of the forward lights mentioned in rule four, carry on or in front of the foremast, or if a vessel without a foremast then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the beam of the vessel exceeds twenty feet, then at a height above the hull not less than such beam, so however that such height need not exceed forty feet, two bright lights in a horizontal line athwartships and not less than eight feet apart, each so fixed as to throw the light all around the horizon and of such character as to be visible at a distance of at least five miles. Such steamer shall also carry the small bright steering light aft, of the character and fixed as required in rule four.

RULE 6. A sailing vessel under way and any vessel being towed shall carry the side lights mentioned in rule three.

A vessel in tow shall also carry a small bright light aft, but such light shall not be visible forward of the beam.

RULE 7. The lights for tugs under thirty tons register whose principal business is harbor towing, and for boats

navigating only on the River Saint Lawrence, also ferry-boats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels.

RULE 8. Whenever, as in the case of small vessels under way during bad weather, the green and red side lights can not be fixed, these lights shall be kept at hand lighted and ready for use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

RULE 9. A vessel under one hundred and fifty feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern constructed so as to show a clear, uniform, and unbroken light, visible all around the horizon, at a distance of at least one mile.

A vessel of one hundred and fifty feet or upward in register length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

RULE 10. Produce boats, canal boats, fishing boats, rafts, or other water craft navigating any bay, harbor, or river by hand power, horse power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not otherwise provided for in these rules, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels.

RULE 11. Open boats shall not be obliged to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side, and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up in addition if considered expedient.

RULE 12. Sailing vessels shall at all times, on the approach of any steamer during the night-time, show a lighted torch upon that point or quarter to which such steamer shall be approaching.

RULE 13. The exhibition of any light on board of a vessel of war or revenue cutter of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it

#### FOG SIGNALS.

RULE 14. A steam vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, placed before the funnel not less than eight feet from the deck, or in such other place as the local inspectors of steam vessels shall determine, and of such character as to be heard in ordinary weather at a distance of at least two miles, and with an efficient bell, and it is hereby made the duty of the United States local inspectors of steam vessels when inspecting the same to require each steamer to be furnished with such whistle and bell. A sailing vessel shall be provided with an efficient fog horn and with an efficient bell

Whenever there is thick weather by reason of fog, mist, falling snow, heavy rainstorms, or other causes, whether by day or by night, fog signals shall be used as follows:

(a) A steam vessel under way, excepting only a steam vessel with raft in tow, shall sound at intervals of not more than one minute three distinct blasts of her whistle.

(b) Every vessel in tow of another vessel shall, at intervals of one minute, sound four bells on a good and efficient and properly placed bell as follows: By striking the bell twice in quick succession, followed by a little longer interval, and then again striking twice in quick succession (in the manner in which four bells is struck in indicating time).

(c) A steamer with a raft in tow shall sound at intervals of not more than one minute a screeching or Moebe whistle for from three to five seconds.

(d) A sailing vessel under way and not in tow shall sound at intervals of not more than one minute—

If on the starboard tack with wind forward of abeam, one blast of her fog horn;

If on the port tack with wind forward of the beam, two blasts of her fog horn;

If she has the wind abaft the beam on either side, three blasts of her fog horn,

(e) Any vessel at anchor and any vessel aground in or near a channel or fairway shall at intervals of not more than two minutes ring the bell rapidly for three to five seconds.

(f) Vessels of less than ten tons registered tonnage, not being steam vessels, shall not be obliged to give the above-mentioned signals, but if they do not they shall make some other efficient sound signal at intervals of not more than one minute.

(g) Produce boats, fishing boats, rafts, or other water craft navigating by hand power or by the current of the river, or anchored or moored in or near the channel or fairway and not in any port, and not otherwise provided for in these rules, shall sound a fog horn, or equivalent signal, at intervals of not more than one minute.

RULE 15. Every vessel shall, in thick weather, by reason of fog, mist, falling snow, heavy rain storms, or other causes, go at moderate speed. A steam vessel hearing, apparently not more than four points from right ahead, the fog signal of another vessel shall at once reduce her speed to bare steerageway, and navigate with caution until the vessels shall have passed each other.

## STEERING AND SAILING RULES.

### SAILING VESSELS.

RULE 16. When two sailing vessels are approaching one another so as to involve risk of collision one of them shall keep out of the way of the other, as follows, namely.

(a) A vessel which is running free shall keep out of the way of a vessel which is closehauled.

(b) A vessel which is closehauled on the port tack shall keep out of the way of a vessel which is closehauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When they are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

### STEAM VESSELS.

RULE 17. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision each shall alter her course to starboard, so that each shall pass on the port side of the other.

RULE 18. When two steam vessels are crossing so as to involve risk of collision the vessel which has the other on her own starboard side shall keep out of the way of the other.

RULE 19. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision the steam vessel shall keep out of the way of the sailing vessel.

RULE 20. Where, by any of the rules herein prescribed, one of two vessels shall keep out of the way, the other shall keep her course and speed.

RULE 21. Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

RULE 22. Notwithstanding anything contained in these rules every vessel overtaking any other shall keep out of the way of the overtaken vessel.

RULE 23. In all weathers every steam vessel under way in taking any course authorized or required by these rules shall indicate that course by the following signals on her whistle, to be accompanied whenever required by corresponding alteration of her helm; and every steam vessel receiving a signal from another shall promptly respond with the same signal or, as provided in Rule Twenty-six:

One blast to mean, "I am directing my course to starboard."

Two blasts to mean, "I am directing my course to port." But the giving or answering signals by a vessel required to keep her course shall not vary the duties and obligations of the respective vessels.

RULE 24. That in all narrow channels where there is a current, and in the rivers Saint Mary, Saint Clair, Detroit, Niagara, and Saint Lawrence, when two steamers are meeting, the descending steamer shall have the right of way, and shall, before the vessels shall have arrived within the distance of one-half mile of each other, give the signal necessary to indicate which side she elects to take.

RULE 25. In all channels less than five hundred feet in width, no steam vessel shall pass another going in the same direction unless the steam vessel ahead be disabled or signify her willingness that the steam vessel astern shall pass, when the steam vessel astern may pass, subject, however, to the other rules applicable to such a situation. And when steam vessels proceeding in opposite directions are about to meet in such channels, both such vessels shall be slowed down to a moderate speed, according to the circumstances.

RULE 26. If the pilot of a steam vessel to which a passing signal is sounded deems it unsafe to accept and assent to said signal, he shall not sound a cross signal, but in that case, and in every case where the pilot of one steamer fails to understand the course or intention of an approaching steamer, whether from signals being given or answered erroneously, or from other causes, the pilot of such steamer so receiving the first passing signal, or the pilot so in doubt, shall sound several short and rapid blasts of the whistle; and if the vessels shall have approached within half a mile of each other both shall reduce their speed to bare steerage way, and, if necessary, stop and reverse.

RULE 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

RULE 28. Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of a neglect of

any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Sec 2

A fine, not exceeding two hundred dollars, may be imposed for the violation of any of the provisions of this Act. The vessel shall be liable for the said penalty, and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found.

Sec 3  
Feb 11, 1903  
Sec 10

The Secretary of Commerce and Labor of the United States shall have authority to establish all necessary regulations, not inconsistent with the provisions of this Act, required to carry the same into effect.

The Board of Supervising Inspectors of the United States shall have authority to establish such regulations to be observed by all steam vessels in passing each other, not inconsistent with the provisions of this Act, as they shall from time to time deem necessary; and all regulations adopted by the said Board of Supervising Inspectors under the authority of this Act, when approved by the Secretary of Commerce and Labor, shall have the force of law. Two printed copies of any such regulations for passing, signed by them, shall be furnished to each steam vessel, and shall at all times be kept posted up in conspicuous places on board.

Feb 8, 1895  
Sec 4

All laws or parts of laws, so far as applicable to the navigation of the Great Lakes and their connecting and tributary waters as far east as Montreal, inconsistent with the foregoing rules are hereby repealed.

**371 Rules for the Red River of the North and rivers emptying into the Gulf of Mexico, and their tributaries**

June 7, 1897  
Sec 5

Sections forty-two hundred thirty-three, forty-four hundred and twelve (with the regulations made in pursuance thereof, except the rules and regulations for the government of pilots of steamers navigating the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and except the rules for the Great Lakes and their connecting and tributary waters as far east as Montreal), and forty-four hundred and thirteen of the Revised Statutes of the United States, and chapter two hundred and two of the laws of eighteen hundred and ninety-three, and sections one and three of chapter one hundred and two of the laws of eighteen hundred and ninety-five, and sections five, twelve and thirteen of the Act approved March third, eighteen hundred and ninety seven, entitled "An Act to amend the laws relating to navigation," and all amendments thereto, are hereby repealed so far as the harbors, rivers, and inland waters aforesaid (except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North, and rivers emptying into the Gulf of Mexico, and their tributaries) are concerned.

R S, 4228

The following rules for preventing collisions on the water shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States:



## STEAM AND SAIL VESSELS

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

## LIGHTS.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port side lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six.

Rule six. River-steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard

side of the port smoke-pipe, and one green light on the out-board side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head light shall be so constructed as to show a good light through twenty points of the compass, namely from right ahead to two points abaft the beam on either side of the vessel, and the after-light so as to show all around the horizon. The lights for ferry-boats, barges and canal boats when in tow of steam vessels shall be regulated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

Mar 3, 1893

R S, 4283

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as steam vessels under way, with the exception of the white mast-head lights, which they shall never carry.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

R S, 4283  
Mar 3, 1897  
Sec 5

Steam pilot boats shall, in addition to the mast-head light and green and red side lights required for ocean steam vessels, carry a red light hung vertically from three to five feet above the foremast headlight, for the purpose of distinguishing such steam pilot boats from other steam vessels.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-

power, horse power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels [but this rule shall be so construed as not to require row boats and skiffs on the river St Lawrence to carry lights.]

June 19, 1886  
Sec. 16  
Feb 8, 1895.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient.

R S, 4233

Rule 14. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a revenue cutter of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it.

R S, 4233  
Mar 3, 1897  
Sec 12

Rule 15. Whenever there is a fog, or thick weather, whether by day or night, fog signals shall be used as follows: (a) Steam vessels under way shall sound a steam whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute. Steam vessels, when towing, shall sound three blasts of quick succession repeated at intervals of not more than one minute. (b) Sail vessels under way shall sound a fog horn at intervals of not more than one minute. (c) Steam vessels and sail vessels, when not under way, shall sound a bell at intervals of not more than two minutes.

R S, 4233  
Mar 3, 1897  
Sec 12

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

#### STEERING AND SAILING RULES.

Rule sixteen Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change such risk should be deemed to exist.

R S, 4233.  
Mar 3, 1897.  
Sec 12.

R S , 4233  
Mar 3, 1897  
Sec 12

Rule seventeen. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely.

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both vessels are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel.

Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed

Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel

Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Rule twenty-five. A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light.

Rule twenty-six. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary

R. S , 4233  
Mar 3, 1897  
Sec 13

practice of seamen or by the special circumstances of the case.

[The board of supervising inspectors shall establish such regulations to be observed by all steam-vessels in passing each other, as they shall from time to time deem necessary for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicuous places in such vessels.]

R S, 4412  
Aug 19, 1890.  
Feb 8, 1895.  
June 7, 1897  
Sec. 5

[Every pilot, engineer, mate, or master of any steam-vessel who neglects or willfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.]

R S, 4413  
June 7, 1897  
Sec 6

### 372 *River navigation*

On any steamers navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it can prudently be done. *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same, but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners

R S, 4487

### 373. *Rules for the St Marys River*

The Secretary of Commerce and Labor hereby is authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in Saint Marys River, from Point Iroquois, on Lake Superior, to Point Detoui, on Lake Huron, and for the purpose of enforcing the observance of such regulations the said Secretary is hereby authorized to detail one or more revenue cutters for duty on said river.

Mar 6, 1896  
Feb 14, 1908  
Sec 10

All officers of the Revenue-Cutter Service who are directed to enforce the regulations prescribed by the above rules are hereby empowered and directed, in case of necessity, or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

Sec 2

In the event of the violation of any such regulations or rules of the Secretary of Commerce and Labor by the owners, master, or person in charge of such vessel, such owners,

Sec 3  
Feb 14, 1908  
Sec. 10

Feb 14, 1903  
Sec 10

master, or person in charge shall be liable to a penalty of two hundred dollars, and the vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of such regulations, shall be forfeited to the United States: *Provided*, That the Secretary of Commerce and Labor may remit said fine or release said vessel on such terms as he may prescribe. *Provided also*, That nothing in this Act shall be construed to amend or repeal the Act entitled "An Act to regulate navigation on the Great Lakes and connecting tributary waters as far east as Montreal."

**374** *Special rules for regattas*

May 19, 1896

Feb 14, 1903  
Sec 10

In order to provide for the safety of passengers on excursion steamers, yachts, oarsmen and all craft, whether as observers or participants, taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers, yachts, oarsmen and all craft, whether as observers or participants, taking part in such regattas.

## PART XXXVII—AIDS TO NAVIGATION.

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<b>375.</b> Assistance by United States vessels <b>376.</b> Removal of derelicts <b>377.</b> Lights and buoys <b>378.</b> Nautical Almanac	<b>379.</b> Charts and manuals. <b>380.</b> Storm and weather signals <b>381.</b> Meridians
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### **375.** *Assistance by United States vessels*

The revenue-cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes R S, 2759

The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require, and such public vessels shall go to sea fully prepared to render such assistance R S, 1536

### **376.** *Removal of derelicts*

The President of the United States is hereby authorized to make with the several governments interested in the navigation of the North Atlantic Ocean an international agreement providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation in the North Atlantic Ocean outside the coast waters of the respective countries bordering thereon. Oct 31, 1893

### **377.** *Lights and buoys*

The Light-House Board may, when they deem it necessary, place a light-vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbor, or in the channel or fair way of any bay or sound R S, 4676.

The Light-House Board shall properly mark all pier-heads belonging to the United States situated on the northern and northwestern lakes, whenever the board is duly notified by the department charged with the construction or repair of pier-heads that the construction or repair of any such pier-heads has been completed. R S, 4677

All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered, so that passing up the coast or sound, or entering the bay, harbor, or R. S., 4678

channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on either hand. Buoys in channel-ways shall be colored with alternate white and black perpendicular stripes.

### 378 *Nautical Almanac*

May 13, 1902

Hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound one thousand one hundred copies of the same, uniform with the editions printed for the Navy Department, as provided in section seventy-three, paragraph five, of an Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing, binding, and distribution of public documents, one hundred copies for the Senate, four hundred for the House, and six hundred for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

### 379 *Charts and manuals*

R S, 431.

There shall be a Hydrographic office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally.

R S, 432

The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions, as he may consider necessary, and when he may consider it expedient to do so, and under such regulations and instructions as he may prescribe.

R S, 4691

June 20, 1878

The charts published by the Coast Survey shall be sold at the office at Washington at the price of the printing and paper thereof, and elsewhere at the same price with the average cost of delivery added thereto; and hereafter there shall be no free distribution of such charts except to the departments of the United States and to the several States and officers of the United States requiring them for public use.

Mar 8, 1879

Senators, Representatives and Delegates to the House of Representatives shall each be entitled to not more than ten charts published by the Coast Survey for each regular session of Congress.



**380** *Storm and weather signals*

The Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July first, eighteen hundred and ninety-one, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.

Oct 1, 1890  
Sec 3

**381** *Meridians*

The meridian of the Observatory at Washington shall be adopted and used as the American meridian for all astronomical purposes, and the meridian of Greenwich shall be adopted for all nautical purposes

R S., 435

## PART XXXVIII.—OBSTRUCTIONS TO NAVIGATION.

382. Improvements by private or municipal corporations	390. Log regulations
383. Bridges, dams, dikes	391. Penalties.
384. General obstructions	392. Bridge spans
385. Harbor lines	393. Bridge piers and abutments
386. Penalties	394. Drawbridges
387. Dumping into navigable waters	395. Sunken wrecks
388. Impairing public works	396. Speed of vessels—navigation of canals
389. Obstructing channels	397. Potomac River

### 382. *Improvements by private or municipal corporations*

June 13, 1902

Any person or persons, corporations, municipal or private, who desire to improve any navigable river, or any part thereof, at their or its own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of War and Chief of Engineers of the Army. The plan of said improvement must conform with the general plan of the Government improvements, must not impede navigation, and no toll shall be imposed on account thereof, and said improvement shall at all times be under the control and supervision of the Secretary of War and Chief of Engineers.

### 383. *Bridges, dams, dikes*

Mar 3, 1899  
Sec 3

It shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced. *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engi-

neers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

#### 384. *General obstructions*

The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

Mar 3, 1899  
Sec 10

#### 385 *Harbor lines*

Where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors he may, and is hereby, authorized to cause such lines to be established, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him: *Provided*, That whenever the Secretary of War grants to any person or persons permission to extend piers, wharves, bulkheads, or other works, or to make deposits in any tidal harbor or river of the United States beyond any harbor lines established under authority of the United States, he shall cause to be ascertained the amount of tide water displaced by any such structure or by any such deposits, and he shall, if he deem it necessary, require the parties to whom the permission is given to make compensation for such displacement either by excavating in some part of the harbor, including tide-water channels between high and low water mark, to such an extent as to create a basin for as much tide water as may be displaced by such structure or by such deposits, or in any other mode that may be satisfactory to him. *Provided*, That all such dredging or other improvement shall be carried on under the direction of the Secretary of War, and shall in no wise injure any existing channels.

Mar 3, 1899  
Sec 11

**386. Penalties**

Mar 3, 1899  
Sec 12

Every person and every corporation that shall violate any of the provisions of sections nine, ten, and eleven of this Act, or any rule or regulation made by the Secretary of War in pursuance of the provisions of the said section fourteen, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding twenty-five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And further, the removal of any structures or parts of structures erected in violation of the provisions of the said sections may be enforced by the injunction of any circuit court exercising jurisdiction in any district in which such structures may exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States. The continuance of any such obstruction, except bridges, piers, docks and wharves, and similar structures erected for business purposes, whether heretofore or hereafter created, shall constitute an offense and each week's continuance of any such obstruction shall be deemed a separate offense.

**387 Dumping into navigable waters**

Mar. 3, 1899  
Sec. 13

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water, and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and when-

ever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful.

### 388. *Impairing public works*

It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works. *Provided*, That the Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest.

Mar 8, 1899  
Sec 14

### 389 *Obstructing channels*

It shall not be lawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft, or to voluntarily or carelessly sink, or permit or cause to be sunk, vessels or other craft in navigable channels; or to float loose timber and logs, or to float what is known as sack rafts of timber and logs in streams or channels actually navigated by steamboats in such manner as to obstruct, impede, or endanger navigation. And whenever a vessel, raft, or other craft is wrecked and sunk in a navigable channel, accidentally or otherwise, it shall be the duty of the owner of such sunken craft to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner so to do shall be unlawful; and it shall be the duty of the owner of such sunken craft to commence the immediate removal of the same, and prosecute such removal diligently, and failure to do so shall be considered as an abandonment of such craft, and subject the same to removal by the United States as hereinafter provided for.

Mar 9, 1899  
Sec 15

### 390 *Log regulations*

The prohibition contained in section fifteen of the river and harbor Act, approved March third, eighteen hundred and ninety-nine, against floating loose timber and logs, or sack rafts, so-called, of timber and logs in streams or

May 9, 1900

channels actually navigated by steamboats, shall not apply to any navigable river or waterway of the United States or any part thereof whereon the floating of loose timber and logs and sack rafts of timber and logs is the principal method of navigation. But such method of navigation on such river or waterway or part thereof shall be subject to the rules and regulations prescribed by the Secretary of War as hereinafter provided.

Sec 2

The Secretary of War shall have power, and he is hereby authorized and directed, within the shortest practicable time after the passage hereof, to prescribe rules and regulations, which he may at any time modify, to govern and regulate the floating of loose timber and logs, and sack rafts, (so called) of timber and logs and other methods of navigation on the streams and waterways, or any thereof, of the character, as to navigation, in section one hereof described. The said rules and regulations shall be so framed as to equitably adjust conflicting interests between the different methods or forms of navigation; and the said rules and regulations shall be published at least once in such newspaper or newspapers of general circulation as in the opinion of the Secretary of War shall be best adapted to give notice of said rules and regulations to persons affected thereby and locally interested therein. And all modifications of said rules and regulations shall be similarly published. And such rules and regulations when so prescribed and published as to any such stream or waterway shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of such violation shall be punished by a fine of not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in the case of crimes or misdemeanors committed against the United States.

Sec 3

The right to alter, amend, or repeal this Act at any time is hereby reserved.

Sec 4

This Act shall not, nor shall any rules or regulations prescribed thereunder, in any manner affect any civil action or actions heretofore commenced and now pending to recover damages claimed to have been sustained by reason of the violation of any of the terms of said section fifteen, as originally enacted, or in violation of any other law.

### 391. *Penalties*

Mar 8, 1899  
Sec 16

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections thirteen, fourteen,

and fifteen of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding twenty-five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction. And any and every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in section thirteen of this Act to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of War, or who shall willfully injure or destroy any work of the United States contemplated in section fourteen of this Act, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section fifteen of this Act, shall be deemed guilty of a violation of this Act, and shall upon conviction be punished as hereinbefore provided in this section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. And any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections thirteen, fourteen, and fifteen of this Act shall be liable for the pecuniary penalties specified in this section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

The Department of Justice shall conduct the legal proceedings necessary to enforce the foregoing provisions of sections nine to sixteen, inclusive, of this Act; and it shall be the duty of district attorneys of the United States to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of War or by any of the officials hereinafter designated, and it shall furthermore be the duty of said district attorneys to report to the Attorney-General of the United States the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of War by the Attorney-General; and for the better enforcement of the said provisions and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of War, and the United States collectors of customs and other

Mar 3, 1899  
Sec 17

revenue officers, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the aforesaid sections of this Act, or who may violate any of the provisions of the same. *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

### 392. *Bridge spans*

Mar 3, 1899  
Sec 18

Whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, or where there is difficulty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, and in giving such notice he shall specify the changes recommended by the Chief of Engineers that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of War shall forthwith notify the United States district attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of War, and within the time prescribed by him willfully fail or refuse to remove the same or to comply with the lawful order of the Secretary of War in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed: *Provided*, That in any case arising under the provisions of this section an appeal or writ of error may



be taken from the district courts or from the existing circuit courts direct to the Supreme Court either by the United States or by the defendants.

### 393. *Bridge piers and abutments*

Whenever complaint shall be made by the Secretary of War that by reason of the placing in any navigable waters of the United States of any bridge pier or abutment, the current of such waters has been so deflected from its natural course as to cause by producing caving of banks or otherwise serious damage or danger to property, it shall be his duty to make inquiry, and if it shall be ascertained that the complaint is well founded, he shall cause the owners or persons operating such bridge to repair such damage or prevent such danger to property by such means as he shall indicate and within such time as he may name, and in default thereof the owners or persons operating such bridge shall be liable in any court of competent jurisdiction to the persons injured in a sum double the amount of said injury.

Aug 11, 1898  
Sec 2

### 394 *Drawbridges*

It shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided [See June 13, 1902, sec. 6, on page 382.]

Aug 18, 1894  
Sec 5

June 13, 1902  
Sec 6

395 *Sunken wrecks*

Mar 3, 1899  
Sec. 19

Whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, or other similar obstruction, and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed "To whom it may concern," in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof. *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than ten days, for the removal of such obstruction as soon as possible after the expiration of the above specified thirty days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States. *Provided*, That such bidder shall give satisfactory security to execute the work: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States.

Mar 3, 1899  
Sec. 20.

Under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in section nineteen, in such manner as to stop, seriously interfere with or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent any unnecessary injury; and no one shall interfere with or prevent such removal or destruction. *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under

this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it. *And provided further*, That the expense of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within thirty days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States.

Such sum of money as may be necessary to execute this section and the preceding section of this Act is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid out on the requisition of the Secretary of War.

All laws or parts of laws inconsistent with the foregoing sections ten to twenty, inclusive, of this Act are hereby repealed. *Provided*, That no action begun, or right of action accrued, prior to the passage of this Act shall be affected by this repeal. *Provided further*, That nothing contained in the said foregoing sections shall be construed as repealing, modifying, or in any manner affecting the provisions of an Act of Congress approved June twenty-ninth, eighteen hundred and eighty-eight, entitled "An Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses," as amended by section three of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four.

March 3, 1899  
Sec 20

June 13, 1902  
Sec 12

### 396 *Speed of vessels—navigation of canals*

It shall be the duty of the Secretary of War to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are, or that hereafter may be, owned, operated, or maintained by the United States as in his judgment the public necessity may require; and he is also authorized to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which has been improved under authority of Congress, whenever, in his judgment, such regulations are necessary to protect such improved channels from injury, or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that may be employed in such operations. Such rules and regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such rules and regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States

Aug 18, 1894  
Sec 4  
June 13, 1902  
Sec 11

within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

June 13, 1902  
Sec 6

Any regulations heretofore or hereafter prescribed by the Secretary of War in pursuance of the fourth and fifth sections of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, and any regulations hereafter prescribed in pursuance of the aforesaid section four as amended by section eleven of this Act, may be enforced as provided in section seventeen of the river and harbor Act of March third, eighteen hundred and ninety-nine, the provisions whereof are hereby made applicable to the said regulations.

**397. *Potomac River***

May 19, 1896

It shall be unlawful for any owner or occupant of any wharf or dock, any master or captain of any vessel, or any person or persons to cast, throw, drop, or deposit any ballast, dirt, oyster shells, or ashes in the water in any port of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark, unless for the purpose of making a wharf, after permission has been obtained from the Commissioners of the District of Columbia for that purpose, which wharf shall be sufficiently enclosed and secured so as to prevent injury to navigation.

Sec 2

It shall be unlawful for any owner or occupant of any wharf or dock, any captain or master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish, fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes, vegetables, fruits, shavings, hay, straw, ice, snow, filth, or trash of any kind whatsoever.

Sec 3

Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court.

Sec 4

Nothing in this Act contained shall be construed to interfere with the work of improvement in or along the said river and harbor, under the supervision of the United States Government.

## PART XXXIX.—NEW YORK HARBOR

### 398. *New York Harbor*

It shall be unlawful for any person or persons to engage in fishing or dredging for shell fish in any of the channels leading to and from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft. Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than two hundred and fifty dollars nor less than fifty dollars, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide. It shall be the duty of the United States Supervisor of the harbor to enforce this act, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this Act: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them *And further provided*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Aug 18, 1894  
Sec 2

The placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound, within the limits which shall be prescribed by the supervisor of the harbor, is hereby strictly forbidden. And every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than two hundred and fifty dollars nor more than two thousand five hundred dollars, and the imprisonment to be not less than thirty

June 20, 1888

days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor.

Sec 2

Any and every master and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of the harbor of New York, or in its adjacent, or tributary waters, or in those of Long Island Sound, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor hereinafter mentioned, shall be deemed guilty of a violation of this act, and shall, upon conviction, be punishable as hereinbefore provided for offenses in violation of section one of this act, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

Sec 3  
Aug 18, 1894  
Sec 3

In all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made, and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked, or suspended for a term to be fixed by the judge before whom tried and convicted. And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section one of the said Act of June twenty-ninth, eighteen hundred and eighty-eight; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the

owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this Act or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever, shall operate to release the owners and masters and employees of scows and towboats from the penalties hereinbefore mentioned. Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. The supervisor of the harbor of New York, designated as provided in section five of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this Act and of the Act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority.

First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the Act of June twenty-ninth, eighteen hundred and eighty-eight, aforesaid, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit as required in this section of this Act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this Act and of the Act aforesaid.

Fifth To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section one of the aforesaid Act of June twenty-ninth, eighteen hundred and eighty-eight.

Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violations of the provisions of this section or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, shall, on conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned not less than six months nor more than one year.

Every permit issued in accordance with the provisions of this section of this Act which may not be taken up by an inspector or deputy inspector shall be returned within forty-eight hours after issuance to the office of the supervisor of the harbor; such permit shall bear an endorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and if so the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than five hundred dollars nor less than one hundred dollars

June 29, 1888  
Sec 4

All mud, dirt, sand, dredgings, and material of every kind and description whatever taken, dredged, or excavated from any slip, basin, or shoal in the harbor of New York, or the waters adjacent or tributary thereto, and placed on any boat, scow, or vessel for the purpose of being taken or towed upon the waters of the harbor of New York to a place of deposit, shall be deposited and discharged at such place or within such limits as shall be defined and specified by the supervisor of the harbor, as in the third section of this act prescribed, and not otherwise. Every person, firm, or corporation being the owner of any slip, basin, or shoal, from which such mud, dirt, sand, dredgings, and material shall be taken, dredged, or excavated, and every person, firm, or corporation in any manner engaged in the work of dredging or excavating any such slip, basin, or shoal, or of removing such mud, dirt, sand, or dredgings therefrom, shall severally be responsible for the deposit and discharge of all such mud, dirt, sand, or



dredgings at such place or within such limits so defined and prescribed by said supervisor of the harbor; and for every violation of the provisions of this section the person offending shall be guilty of an offense against this act, and shall be punished by a fine equal to the sum of five dollars for every cubic yard of mud, dirt, sand, dredgings, or material not deposited or discharged as required by this section. Any boat or vessel used or employed in violating any provision of this act, shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against, summarily by way of libel in any district court of the United States, having jurisdiction thereof.

A line officer of the Navy shall be designated by the President of the United States as supervisor of the harbor, to act under the direction of the Secretary of War in enforcing the provisions of this act, and in detecting offenders against the same. This officer shall receive the sea-pay of his grade, and shall have personal charge and supervision under the Secretary of War, and shall direct the patrol boats and other means to detect and bring to punishment offenders against the provisions of this act.

Sec 5

## PART XL—ANCHORAGE GROUNDS.

399. New York Bay  
400. Chicago Harbor

401. Kennebec River

### 399. *New York Bay*

May 16, 1888.  
Feb 14, 1908  
Sec 10

The Secretary of the Treasury is authorized, empowered, and directed to define and establish an anchorage ground for vessels in the bay and harbor of New York, and in the Hudson and East Rivers, to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforcement of such rules and regulations.

Mar 3, 1899

The Act of May sixteenth, eighteen hundred and eighty-eight, relating to anchorage of vessels in the port of New York, is hereby extended to include the waters of Kill von Kull, Newark Bay, Arthur Kill, and Raritan Bay.

May 16, 1888  
Sec 2

In the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of one hundred dollars, and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of the Treasury.

Feb 14, 1908  
Sec 10

### 400. *Chicago Harbor*

Feb. 6, 1893  
Feb 14, 1903  
Sec 10

The Secretary of the Treasury is authorized and directed to define and establish anchorage grounds for vessels in the harbors of Chicago, and waters of Lake Michigan adjacent thereto, to adopt suitable rules and regulations in relation to the same, and also to adopt suitable rules and regulations governing the use of marked inshore channels in Lake Michigan in front of the city of Chicago, and to take all necessary measures for the proper enforcement of such rules and regulations.

Feb 6, 1893  
Sec 2

In the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of one hundred dollars, and the said vessel may be holden for the payment of such penalty,

and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of the Treasury.

Feb 14, 1908.  
Sec 10

401 *Kennebec River*

The Secretary of the Treasury is authorized, empowered, and directed to define and establish an anchorage ground for vessels in Kennebec River at or near Bath, Maine, to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforcement of such rules and regulations.

June 6, 1900  
Feb 14, 1908  
Sec 10

In the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of one hundred dollars; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which said vessel may be, and in the name of the officer designated by the Secretary of the Treasury.

June 6, 1900  
Sec 2

Feb 14, 1908  
Sec 10

## PART XLI—NEUTRALITY

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### 402 *Neutrality*

R. S., 5281

Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars and imprisoned not more than three years.

R. S., 5282

Every person who, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be deemed guilty of high misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned not more than three years.

R. S., 5283

Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

Every citizen of the United States who, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming any private vessel of war, or privateer, with intent that such vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or who takes the command of, or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel, with a view to share in the profits thereof, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years. And the trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought. R. S., 5284

Every person who, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be deemed guilty of a high misdemeanor, and shall be fined not more than one thousand dollars and be imprisoned not more than one year. R. S., 5285

Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years. R. S., 5286

The district court shall take cognizance of all complaints by whomsoever instituted in cases of captures made within the waters of the United States or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this Title [R. S., 5281-5291]; and in every case of the R. S., 5287

capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to the execution of the prohibitions and penalties of this Title, and to the restoring of such prizes in the cases in which restoration shall be adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

R. S. , 5288

It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

R. S. , 5289

The owners or consignees of every armed vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

R. S. , 5290.

The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section.

R. S. , 5291.

The provisions of this Title [R. S. 5281-5291] shall not be construed to extend to any subject or citizen of any foreign

prince, state, colony, district, or people who is transiently within the United States, and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district, or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States.

## PART XLII.—GUANO ISLANDS

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### 403. *Guano Islands.*

R S, 5570

Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.

R S, 5571

The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States

R S, 5572

If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of the preceding section, his widow, heir, executor, or administrator, shall be entitled to the benefits of such discovery, upon complying with the provisions of this Title [R. S. 5570-5578]; but nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer heretofore recognized by the United States.

R S, 5573

The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used thereon, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding eight dollars per ton for the best quality, or four dollars for every ton taken while in its native place of deposit.



No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this Title [R. S., 5570-5578] This section shall, however, be suspended in relation to all persons who have complied with the provisions of this Title, for five years from and after the fourteenth day of July, eighteen hundred and seventy-two. R S , 5574

The introduction of guano from such islands, rocks, or keys, shall be regulated as in the coasting trade between different parts of the United States, and the same laws shall govern the vessels concerned therein. R S , 5575

All acts done, and offenses or crimes committed, on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant-ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys. R S , 5576

The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns. R S , 5577

Nothing in this Title [R. S., 5570-5578] contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same. R. S. , 5578

## PART XLIII—MISCELLANEOUS

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| <p>404. Life-saving medals</p> <p>405. Rescuing shipwrecked American seamen</p> <p>406. School-ships,</p> <p>407. Instruction at military schools</p> <p>408. Instruction in shipbuilding</p> <p>409. Naval Militia</p> <p>410. North Atlantic fisheries</p> <p>411. Supplies for foreign war vessels</p> | <p>412. Navy ration</p> <p>413. Coal and war materials</p> <p>414. Mines, torpedoes, and harbor defenses</p> <p>415. Sale of arms and liquors to Pacific Islanders</p> <p>416. Panama Canal.</p> <p>417. Great Lakes—Atlantic Canal</p> <p>418. Great Lakes' levels</p> |
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### 404. *Life-saving medals*

June 20, 1874  
Sec. 7

The Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving, or endeavouring to save lives from perils of the sea, within the United States, or upon any American vessel: *Provided*, That the medal of the first class shall be confined to cases of extreme and heroic daring; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class. *Provided, also*, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the Department

May 4, 1882  
Sec. 9.

The life-saving medals of the first and second class authorized by the provisions of the seventh section of the act of July twentieth, eighteen hundred and seventy-four, shall be hereafter designated as the gold and silver life-saving medal respectively, and any person who has received or may hereafter receive either of said medals under the provisions of said section, or the twelfth section of the act of June eighteenth, eighteen hundred and seventy-eight, and who shall again perform an act which would entitle him to a medal of the same class under said provisions, shall receive, and the Secretary of the Treasury is hereby authorized to award, in lieu of a second medal, a bar, suitably inscribed, of the same metal as the medal to which said person would be entitled, to be attached to a ribbon of such description as the Secretary of the Treasury may prescribe, which may be fastened to the medal already bestowed upon said person; and for every such additional act

an additional bar may be added. And the Secretary of the Treasury is hereby authorized, in his discretion, whenever any person becomes entitled to a bar representing a gold medal, to award him, in addition to said bar, such token as it is customary to award in acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck.

The Secretary of the Treasury is hereby authorized to bestow the life-saving medal of the second class upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning, as, in his opinion, shall merit such recognition

June 18, 1878  
Sec 12

So much of the acts relating to the Life-Saving Service approved June twentieth, eighteen hundred and seventy-four, June eighteenth, eighteen hundred and seventy-eight, and May fourth, eighteen hundred and eighty-two, as provide for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in the waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of a life-saving crew, or whether or not such exertions were made in the vicinity of a life-saving station

Jan 21, 1897

#### 405. *Rescuing shipwrecked American seamen*

Expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, four thousand five hundred dollars.

Feb 9, 1903

#### 406 *School-ships*

The Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the Governor of the State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, Wilmington, Mobile, Charleston, New Orleans, Savannah, Baton Rouge, in Narragansett Bay, and San Francisco, upon the condition that there shall be maintained, at such port, a school or branch of a school for the instruction of youths in navigation, steamship, marine enginery and all matters pertaining to the proper construction, equipment and sailing of vessels or any particular branch thereof.

June 20, 1874,

Mar 3, 1881

And the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of

the Navy as superintendents of, or instructors in, such schools.

*Provided*, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy, and the officers so detailed recalled:

*And provided further*, That no person shall be sentenced to or received at, such schools as a punishment or commutation of punishment for crime.

#### 407 *Instruction at military schools*

Mar 3, 1901

The President be, and he is hereby, authorized, upon the application of the governor of any State having sea-coast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every fifty cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship. *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least one hundred and forty cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time one hundred and fifty cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case in double the value of the property, for the care and safe keeping thereof, and for the return of the same when required.

#### 408. *Instruction in shipbuilding*

Feb 26, 1879

For the purpose of promoting a knowledge of steam-engineering and iron-ship building among the young men of the United States, the President may, upon the application of an established scientific school or college within the United States, detail an officer from the Engineer Corps of the Navy as professor in such school or college:

*Provided*, That the number of officers so detailed shall not at any time exceed twenty-five, and such details shall be governed by rules to be prescribed from time to time by the President:

*And provided further*, That such details may be withheld or withdrawn whenever, in the judgment of the President, the interests of the public service shall so require.

#### 409 *Naval Militia*

Aug 3, 1894

The Secretary of the Navy is hereby authorized and empowered to loan temporarily to any State, upon the written application of the governor thereof, a vessel of the Navy, to be selected from such vessels as are not suitable or required for general service, together with such of

her apparel, charts, books, and instruments of navigation as he may deem proper; said vessel to be used only by the regularly organized naval militia of the State for the purposes of drill and instruction: *Provided*, That when the organization of the naval militia of such State shall be abandoned, or when the interests of the naval service shall so require, such vessel, together with her apparel, charts, books, and instruments of navigation, shall be immediately restored to the custody of the Secretary of the Navy. *And provided further*, That when such loan is made to the governor of any State, the Secretary of the Navy is authorized to detail from the enlisted force of the Navy a sufficient number of men, not exceeding six for any vessel, as ship-keepers, the men so detailed to be additional to the number of enlisted men allowed by law for the naval establishment, and in making details for this service preference shall be given to those men who have served twenty years or more in the Navy

For arms, accouterments, signal outfits, boats and their equipment, repairs to vessels loaned to States in accordance with law, and the printing or purchase of the necessary books of instruction for the Naval Militia of the various States, under such regulations as the Secretary of the Navy may prescribe, sixty thousand dollars

Mar. 3, 1908

#### 410. *North Atlantic fisheries*

In the judgment of Congress, the provisions of articles numbered eighteen to twenty-five, inclusive, and of article thirty of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the eighth day of May, anno Domini eighteen hundred and seventy-one, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice

Mar. 3, 1883

The President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the first day of July, anno Domini eighteen hundred and eighty-three, or as soon thereafter as may be.

Sec. 2.

On and after the expiration of the two years' time required by said treaty, each and every of said articles shall be deemed and held to have expired and be of no force and effect, and every department of the Government of the United States shall execute the laws of the United States (in the premises) in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March first, anno Domini eighteen hundred and seventy-three, entitled "An act to carry into

Sec. 3

effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries," so far as it relates to the articles of said treaty so to be terminated shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

#### 411 *Supplies for foreign war vessels*

R S, 2982

The privilege of purchasing supplies from the public warehouses duty free, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privilege toward the vessels of war of the United States in its ports.

#### 412. *Navy ration*

R S, 1580,  
July 1, 1902

The Navy ration shall consist of the following daily allowance of provisions to each person. One pound and a quarter salt or smoked meat, with three ounces of dried or six ounces of canned fruit, and three gills of beans or peas, or twelve ounces of flour; or one pound of preserved meat, with three ounces of dried or six ounces of canned fruit, and twelve ounces of rice or eight ounces of canned vegetables or four ounces of desiccated vegetables; together with one pound of biscuit, two ounces of butter, four ounces of sugar, two ounces of coffee or cocoa or one-half ounce of tea and one ounce of condensed milk or evaporated cream; and a weekly allowance of one-half pound of macaroni, four ounces of cheese, four ounces of tomatoes, one-half pint of vinegar, one-half pint of pickles, one-half pint of molasses, four ounces of salt, one-quarter ounce of pepper, and one-half ounce of dry mustard. Five pounds of lard or a suitable substitute shall be allowed for every hundred pounds of flour issued as bread, and such quantities of yeast as may be necessary

R S, 1581  
July 1, 1902

The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command:

For one and one-quarter pounds of salt or smoked meat or one pound of preserved meat, one and three-quarters pounds of fresh meat; in lieu of the article usually issued with salt, smoked, or preserved meat, fresh vegetables of equal value; for one pound of biscuit, one and one-quarter pounds of soft bread, or eighteen ounces of flour; for three gills of beans or peas, twelve ounces of flour or rice or eight ounces of canned vegetables, and for twelve ounces of flour or rice or eight ounces of canned vegetables, three gills of beans or peas.

An extra allowance of one ounce of coffee or cocoa, two ounces of sugar, four ounces of hard bread or its equivalent, and four ounces of preserved meat or its equivalent shall be allowed to enlisted men of the engineer and dynamo

force when standing night watches between eight o'clock postmeridian and eight o'clock antemeridian under steam.

**413. *Coal and war materials***

The President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

Apr 22, 1898

**414. *Mines, torpedoes, and harbor defenses***

Any person who shall willfully, wantonly, or maliciously trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully or maliciously interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully or wantonly violate any regulation of the War Department that has been made for the protection of such mine, torpedo, fortification or harbor-defense system shall be punished, on conviction thereof in a district court of the United States for the district in which the offense is committed, by a fine of not less than one hundred nor more than five thousand dollars, or with imprisonment for a term not exceeding five years, or with both, in the discretion of the court.

July 7, 1898

When any offense is committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

Sec 2

**415. *Sale of arms and liquors to Pacific islanders***

Any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not

Feb 14, 1902

being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding fifty dollars, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

Sec. 2

If it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

Sec. 8

All offenses against this Act committed on any of said islands or on the waters, rocks, or keys adjacent thereto shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

#### 416. *Panama Canal*

June 28, 1902

The President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than sixty-eight thousand eight hundred and sixty-three shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained

Sec. 2

The President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.



The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

When the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section one hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section two hereof, he is authorized to pay for the property of the New Panama Canal Company forty millions of dollars and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President. Sec 8

The President shall then through the Isthmian Canal Commission hereinafter authorized cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

Should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections one and two of this Act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall through the said Isthmian Canal Commission cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and Sec 4

greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall cause the said Isthmian Canal Commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

Sec 5.

The sum of ten million dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this Act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of one hundred and thirty-five millions of dollars should the Panama route be adopted, or one hundred and eighty millions of dollars should the Nicaragua route be adopted.

Sec 6.

In any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof

Sec 7

To enable the President to construct the canal and works appurtenant thereto as provided in this Act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chair-

man of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this Act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this Act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by Act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

The Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this Act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of one hundred and thirty million dollars, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of twenty dollars or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of two per centum per

Sec 8

annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same

#### 417 *Great Lakes-Atlantic Canal*

MAR. 2, 1895

The President of the United States is authorized to appoint, immediately after the passage of this Act, three persons, who shall have power to meet and confer with any similar committee which may be appointed by the Government of Great Britain or of the Dominion of Canada, and who shall make inquiry and report whether it is feasible to build such canals as shall enable vessels engaged in ocean commerce to pass to and fro between the Great Lakes and the Atlantic Ocean, with an adequate and controllable supply of water for continual use; where such canals can be most conveniently located, the probable cost of the same, with estimates in detail, and if any part of the same should be built in the territory of Canada, what regulations or treaty arrangements will be necessary between the United States and Great Britain to preserve the free use of such canal to the people of this country at all times; and all necessary facts and considerations relating to the construction and future use of deep-water channels between the Great Lakes and the Atlantic Ocean. The persons so appointed shall serve without compensation in any form, but they shall be paid their actual traveling and other necessary expenses, not exceeding in all ten thousand dollars, for which purpose the said sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated. The President may, in his discretion, detail as one of such persons an officer of the Army or Navy.

#### 418. *Great Lakes' levels*

JUNE 18, 1902  
Sec. 4.

The President of the United States is hereby requested to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River Saint Lawrence to the Atlantic Ocean; also upon the maintenance and regulation of

suitable levels; and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation, by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of navigation in said waters. The said commissioners shall report upon the advisability of locating a dam at the outlet of Lake Erie, with a view to determining whether such dam will benefit navigation, and if such structure is deemed advisable, shall make recommendations to their respective Governments looking to an agreement or treaty which shall provide for the construction of the same, and they shall make an estimate of the probable cost thereof. The President, in selecting the three members of said Commission who shall represent the United States, is authorized to appoint one officer of the Corps of Engineers of the United States Army, one civil engineer well versed in the hydraulics of the Great Lakes, and one lawyer of experience in questions of international and riparian law, and said Commission shall be authorized to employ such persons as it may deem needful in the performance of the duties hereby imposed; and for the purpose of paying the expenses and salaries of said Commission the Secretary of War is authorized to expend from the amounts heretofore appropriated for the Saint Marys River at the Falls, the sum of twenty thousand dollars, or so much thereof as may be necessary to pay that portion of the expenses of said Commission chargeable to the United States.

## PART XLIV.—LEGAL PROCEDURE.

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### 419. Seizure

### | 420. Summary trial

#### 419. *Seizure*

R. S., 734

Proceedings on seizures, for forfeiture under any law of the United States, made on the high seas may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prosecuted in the district where the seizure is made, except in cases where it is otherwise provided.

R. S., 923.

When any vessel, goods, wares, or merchandise are seized by an officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering or recording, or the enrolling and licensing of vessels, the court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct. And if no person appears and claims such vessel, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law.

R. S., 939

All vessels, goods, wares, or merchandise which shall be condemned by virtue of any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling or licensing of vessels, and for which bonds shall not have been given by the claimant, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in cases of perishable merchandise) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding five dollars shall be paid. And the amount of such sales,

deducting all proper charges, shall be paid within ten days after such sale by the person selling the same to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed.

In any cause of admiralty and maritime jurisdiction, or other case of seizure, depending in any court of the United States, any judge of the said court, in vacation, shall have the same authority to order any vessel, or cargo, or other property to be delivered to the claimants, upon bail or bond, or to be sold when necessary, as the said court has in term time, and to appoint appraisers, and exercise every other incidental power necessary to the complete execution of the authority herein granted; and the recognizance of bail or bond, under such order, may be executed before the clerk upon the party's producing the certificate of the collector of the district, of the sufficiency of the security offered; and the same proceedings shall be had in the case of said order of delivery or of sale, as are had in like cases when ordered in term time: *Provided*, That upon every such application, either for an order of delivery or of sale, the collector and the attorney of the district shall have reasonable notice in cases of the United States, and the party or counsel in all other cases. R S , 940

When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent. R S , 970

If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs. R S , 971

When proceedings are had before a court of the United States or of the Territories, on several libels, against any vessel and cargo, which might legally be joined in one libel, there shall not be allowed thereon more costs than on one libel, unless special cause for libeling the vessel and cargo separately is satisfactorily shown on motion in open court. And in proceedings on several libels or informations against any cargo, or parts of cargo, or merchandise seized as forfeited for the same cause, there shall not R S , 978

be allowed more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned. But allowance may be made on one libel or information for the costs incidental to several claims.

R S , 979

When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid.

#### 420 *Summary trial*

R S , 4800

Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

R S , 4801

At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the Court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

R S , 4802

It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused in unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

R S , 4803

At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.



It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine. R S , 4304

All the penalties and forfeitures which may be incurred for offenses against this Title [R. S., 4131–4305] may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed. R S , 4305

## PART XLV.—CRIMES.

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<p>421. Place of trial</p> <p>422. Murder and manslaughter</p> <p>423. Rape.</p> <p>424. Assault</p> <p>425. Ill treatment of crew</p> <p>426. Mayhem</p> <p>427. Seduction</p> <p>428. Larceny.</p> <p>429. Wrecking</p>	<p>430 Mutiny</p> <p>431 Plundering vessel</p> <p>432 Abandonment of seaman</p> <p>433 Barratry</p> <p>434 Aison</p> <p>435 Mispision of felony.</p> <p>436 Miscellaneous offenses</p> <p>437 Crimes on the Great Lakes</p> <p>438 Forgery.</p>
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### 421. *Place of trial*

R S., 730

The trial of all offenses committed upon the high seas or elsewhere, out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

### 422. *Murder and manslaughter*

R. S. , 5339

Every person who commits murder—

First. Within any fort, arsenal, dock yard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States,

Second. Or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State,

Third. Or who upon any such waters maliciously strikes, stabs, wounds, poisons, or shoots at any other person, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

R S. , 5340

The court before which any person is convicted of murder, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person by him appointed, shall receive and take away the body at the time of execution.

R S., 5341

Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, unlawfully or wilfully, but without malice, strikes, stabs, wounds, or shoots at, or otherwise injures another, of which striking, stabbing, wounding, shooting,

or other injury such other person dies, either on land or sea, within or without the United States, is guilty of the crime of manslaughter

Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, attempts to commit the crime of murder or manslaughter, by any means not constituting the offence of assault with a dangerous weapon, shall be punished by imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars.

R S, 5342

The punishment of manslaughter shall be imprisonment, with or without hard labor, not more than ten years, and by a fine of not more than one thousand dollars, except as otherwise specially provided by law.

R S, 5343  
Mar 3, 1875

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel, the life of any person is destroyed, and every owner, inspector, or other public officer, through whose fraud, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years

R S, 5344

#### 423 *Rape*

Every person who, within any of the places or upon any of the waters specified in section fifty-three hundred and thirty-nine, commits the crime of rape shall suffer death

R S, 5345

#### 424. *Assault*

Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, on board any vessel belonging in whole or in part to the United States, or any citizen thereof, with a dangerous weapon, or with intent to perpetrate any felony, commits an assault on another shall be punished by a fine of not more than three thousand dollars, and by imprisonment at hard labor not more than three years.

R S, 5346

#### 425. *Ill treatment of crew*

Every master or other officer of an American vessel on the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, who, without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not

R S, 5347  
Mar 3, 1897  
Sec 15

Dec 21, 1898  
Sec 22

more than one thousand dollars, or by imprisonment not more than five years, or by both. Nothing herein contained shall be construed to repeal or modify section forty-six hundred and eleven of the Revised Statutes.

#### 426. *Mayhem*

R S, 5343

Every person who, within any of the places upon the land under the exclusive jurisdiction of the United States, or who, upon the high seas, in any vessel belonging to the United States, or to any citizen thereof, maliciously cuts off the ear, cuts out or disables the tongue, puts out an eye, slits the nose, cuts off the nose or lip, or cuts off or disables any limb or member of any person, with intent to maim or disfigure such person, shall be imprisoned at hard labor not more than seven years, and fined not more than one thousand dollars.

#### 427. *Seduction*

R S, 5349

Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be punished by imprisonment not more than twelve months, or by a fine of not more than one thousand dollars; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

R S, 5350

When any person is convicted under the provisions of the preceding section, the court may, in its discretion, by an order entered on its minutes, direct the amount of the fine, when imposed and collected, to be paid for the use of the female seduced or her child, if she have any.

R S, 5351

No conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port for which it was destined.

#### 428. *Larceny*

R S, 5356

Every person who, upon the high seas, or in any place under the exclusive jurisdiction of the United States, takes and carries away, with intent to steal or purloin, the personal goods of another, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

R S, 5357

Every person who, upon the high seas, or in any place under the exclusive jurisdiction of the United States, buys, receives, or conceals any money, goods, bank-notes, or other thing which may be the subject of larceny, and which has been feloniously taken or stolen from any other person, knowing the same to have been taken or stolen, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than three years.

429 *Wrecking*

Every person who plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States; and every person who willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof, and every person who holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel, sailing upon the sea, into danger, or distress, or shipwreck, shall be punished by a fine of not more than five thousand dollars, and imprisoned at hard labor not more than ten years.

R S, 5358

430 *Mutiny.*

If any one of the crew of any American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master, or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both such fine and imprisonment.

R S, 5359

If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than ten years.

R S, 5360

431. *Plundering vessel*

Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent to unlawfully plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on

R S, 5361

board thereof shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

R S , 5862

Every person who, upon the high seas, or in any other of the places mentioned in the preceding section, with intent to commit any felony, breaks or enters any vessel, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast fixed to the anchor or moorings belonging to any vessel, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than five years.

#### 432. *Abandonment of seaman.*

R S , 5868

Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months.

#### 433. *Barratry*

R S , 5864

Every person who, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter afterward underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; and every person who, within the United States, builds, or fits out, or aids in building and fitting out, any vessel with intent that the same be cast away or destroyed with the intent hereinbefore mentioned, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment at hard labor not more than ten years.

R S , 5865  
Aug 6, 1894

Every person who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be punished by imprisonment for life, or for any term of years.

R S , 5866  
Aug 6, 1894  
Sec 2

Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall be punished by imprisonment for life, or for any term of years.

434. *Arson.*

Every person, not being an owner, who, on the high seas, willfully, with intent to destroy the same, sets fire to any vessel, or otherwise attempts the destruction thereof, being the property of any citizen, shall suffer imprisonment at hard labor for a term not more than ten years nor less than three years. R S, 5367

Every person who, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is under the jurisdiction of the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is under their jurisdiction, willfully and maliciously burns any dwelling-house, or mansion-house, or any store, barn, stable, or other building, parcel of any dwelling or mansion-house, shall suffer death. R S, 5385.

Every person who, in any of the places mentioned in the preceding section, maliciously sets fire to, or burns, any arsenal, armory, magazine, rope-walk, ship-house, warehouse, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in such section, or any vessel built, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years. R S, 5386

Every person who maliciously sets on fire, or burns, or otherwise destroys, any vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, shall suffer death. R. S., 5387

435. *Misprision of felony*

Every person who, having knowledge of the actual commission of the crime of murder or other felony upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country under the exclusive jurisdiction of the United States, conceals, and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, is guilty of misprision of felony, and shall be imprisoned not more than three years, and fined no more than five hundred dollars. R S, 5390.

436. *Miscellaneous offenses*

If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any R. S., 5391.

law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State, and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

#### 437. *Crimes on the Great Lakes*

Sept. 4, 1890

Every person who shall, upon any vessel registered or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely, Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of the said lakes, commit or be guilty of any of the acts, neglects, or omissions, respectively, mentioned in chapter three [R. S. , 5339-5391] of title seventy of the Revised Statutes of the United States shall, upon conviction thereof, be punished with the same punishments in the said title and chapter, respectively affixed to the same offenses therein mentioned, respectively.

Sec. 2

The circuit and district courts of the United States, respectively, are hereby vested with the same jurisdiction in respect of the offenses mentioned in the first section of this act that they by law have and possess in respect of the offenses in said chapter and title in the first section of this act mentioned, and said courts, respectively, are also for the purpose of this act vested with all and the same jurisdiction they, respectively, have by force of title thirteen, chapter three [R. S. , 563-571], and title thirteen, chapter seven [R. S. , 629-657], of the Revised Statutes of the United States.

#### 438 *Forgery*

R. S. , 5423

If any person falsely makes, forges, counterfeits, or alters any instrument in imitation of, or purporting to be an abstract or official copy, or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel, for carrying on the coasting trade, or fisheries of the United States, or a certificate of ownership, pass, passport, sea-letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document, granted by any collector or other officer of the customs, by virtue of his office; or passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea-letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, he shall be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than three years.



## PART XLVI.—PIRACY.

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439 Piracy

[ 440. Crimes deemed piracy.

439 Piracy

The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations. R S , 4293

The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas. R S , 4294

The commander and crew of any merchant-vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States. R S , 4295.

Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall R S , 4296

be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

R. S., 4297

Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

R. S., 4298

The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

R. S., 4299

The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section forty-two hundred and ninety-seven, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

#### 440. *Crimes deemed piracy*

R. S., 5368

Every person who, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterward brought into or found in the United States, shall suffer death.

R. S., 5809

Every seaman who lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall suffer death.

R. S., 5870

Every person who, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commits the crime of robbery, in or upon any vessel, or upon any ship's company of any vessel, or the lading thereof, is a pirate, and shall suffer death.

Every person engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, who lands from such vessel and on shore commits robbery, is a pirate, and shall suffer death R S, 5871

Every person who commits upon the high seas, or in any river, harbor, basin, or bay, out of the jurisdiction of any particular State, murder or robbery, or any other offense which, if committed within the body of a county, would be punishable with death by the laws of the United States, is a pirate, and shall suffer death. R S, 5872

Every citizen who commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall suffer death. R S, 5873

Every subject or citizen of any foreign state, who is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall suffer death. R S, 5874

Every captain, other officer, or mariner, of a vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States who piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned at hard labor not more than ten years, or both. R S, 5333

If any person attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or if any person consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or if any seaman confines the master of any vessel, he shall be imprisoned not more than three years, and fined not more than one thousand dollars. R S, 5334

## PART XLVII.—SLAVE TRADE.

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### 441. *Slave trade*

R S , 5551

No person shall, for himself, or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel, in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person who sues for the forfeiture, and prosecutes the same to effect.

R S , 5552

Every person so building, fitting out, equipping, loading, or otherwise preparing or sending away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the preceding section, or any ways aiding or abetting therein, shall, besides the forfeiture of the vessel, pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect.

R S , 5553

Every vessel employed in carrying on the slave-trade, or on which is received or transported any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the United States, and the other to the use of the person who sues for and prosecutes the forfeiture to effect.

R S , 5554

If any citizen of the United States takes on board, receives, or transports any negro, mulatto, or person of color, for the purpose of selling such person as a slave, he shall, in addition to the forfeiture of the vessel, pay for each person, so received on board or transported, the sum of two hundred dollars, to be recovered in any court of the United

States; the one moiety thereof to the use of the United States, and the other moiety to the use of the person who sues for and prosecutes the same to effect

Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, and having on board any negro, mulatto, or person of color, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States R S , 5555

It shall be unlawful for any citizen of the United States, or other person residing within them, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same, and every person transgressing the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves, which at any time may be transported or carried in such vessel. R S , 5556

The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave-trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any negro, mulatto, or person of color, in violation of the provisions of any act of Congress prohibiting the traffic in slaves. R S , 5557

The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who seize, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof; and the same shall be distributed as is provided by law for the distribution of prizes taken from an enemy. R S , 5558

The officers and men, to be entitled to one-half of the proceeds mentioned in the last section, shall safely keep every negro, mulatto, or person of color, found on board of any vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or R S , 5559

person of color, to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law; transmitting to the President, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of color, in order that he may give directions for the disposal of them.

R S, 5560

The commanders of such commissioned vessels shall cause to be apprehended, and taken into custody, every person found on board of such offending vessel, so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law.

R S, 5561

The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be delivered and brought within their jurisdiction; and to appoint a proper person residing upon the coast of Africa as agent, for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels.

R S, 5562

A bounty of twenty-five dollars shall be paid to the officers and crews of the commissioned vessels of the United States, or revenue-cutters, for each negro, mulatto, or person of color, who may be, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive such person, and the Secretary of the Treasury is required to pay, or cause to be paid, to such officers and crews, or their agent, such bounty for each person so delivered.

R S, 5563

It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some of the ports of the State or Territory to which such vessel so captured may belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States

R S, 5564

Every owner, master, or factor of any foreign vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave-trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board such vessel, to be transported or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

R S, 5565

The forfeitures which may hereafter be incurred under any of the preceding provisions, and which are not otherwise expressly disposed of, shall accrue and be one moiety

thereof to the use of the informer and the other moiety to the use of the United States, except where the prosecution is first instituted on behalf of the United States in which case the whole shall be to their use

It may be lawful for the President to enter into contract with any person, society, or body-corporate, for a term not exceeding five years, to receive from the United States, through their duly constituted agent upon the coast of Africa, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of the United States armed vessels, and to provide such negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions, for a period not exceeding one year from the date of their being landed on the coast of Africa, at a price in no case to exceed one hundred dollars for each person so clothed, sheltered, and provided with food; and any contract so made may be renewed by the President from time to time as found necessary, for periods not to exceed five years on each renewal. R S , 5566

The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the coast of Africa, and there hand over to the agent of the United States all negroes, mulattoes, and persons of color delivered from on board vessels seized in the prosecution of the slave-trade, and they shall afterward bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication. R S , 5567

It may be lawful for the President to enter into arrangement, by contract or otherwise, with one or more foreign governments having possessions in the West Indies or other tropical regions, or with their duly constituted agent, to receive from the United States, for a term not exceeding five years, at such place as may be agreed upon, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels, and to provide them with suitable instruction, and with comfortable clothing and shelter, and to employ them, at wages under such regulations as may be agreed upon, for a period not exceeding five years from the date of their being landed at the place agreed upon. R S , 5568

The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such regulations as he may prescribe, to proceed directly to such place as shall have been agreed upon with any foreign government, or its duly constituted agent, under the provisions of the preceding section, and there deliver to the duly constituted authorities or agents of such foreign government all negroes, mulattoes, or persons of color, taken R S , 5569

from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the vessel and persons engaged in prosecuting such trade to the United States for trial and adjudication.

R S., 5375

Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen, forcibly confines or detains on board such vessel any negro, or mulatto, with intent to make such negro or mulatto a slave, or, on board such vessel, offers or attempts to sell, as a slave, any negro or mulatto, or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any negro or mulatto with intent to make such negro or mulatto a slave, or lands or delivers on shore from on board such vessel any negro or mulatto with intent to make sale of, or having previously sold such negro or mulatto as a slave, is a pirate, and shall suffer death.

June 23, 1874

Whoever shall knowingly and wilfully bring into the United States, or the Territories thereof, any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary service, and whoever shall knowingly and wilfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever, and every person who shall knowingly and wilfully hold to involuntary service any person so sold or bought, shall be deemed guilty of a felony, and, on conviction thereof, be imprisoned for a term not exceeding five years and pay a fine not exceeding five thousand dollars.

Sec 2

Every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding one thousand dollars

R S., 5376

Every person, who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel, owned in whole or part, or navigated for, or in behalf of, any citizen, lands from such vessel, and, on any foreign shore, seizes any negro or mulatto with intent to make such negro or mulatto a slave, or decoys or forcibly brings, or carries, or receives such negro or mulatto on board such vessel, with like intent, is a pirate, and shall suffer death.

R S., 5377

Every person who brings within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any negro, mulatto, or person of color so brought in, as a slave, or to be held to service or labor, shall be fined not more than ten thousand dollars and not less than one thousand, one half to the use of the United States, and the other half to the use of the party who prosecutes the



indictment to effect, and, moreover, shall suffer imprisonment at hard labor not more than seven years, nor less than three years.

Every person who builds, fits out, equips, loans, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any negro, mulatto, or person of color from any foreign kingdom or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect, and shall, moreover, be imprisoned at hard labor for a term not more than seven years, nor less than three years

R. S., 5378

Every citizen or other person resident within the jurisdiction of the United States, who takes on board, receives, or transports from any foreign kingdom or country, or from sea, any negro, mulatto, or person of color, in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the preceding section

R. S., 53

Every captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color for the purpose of selling them as slaves, or with intent to land the same for any such purpose, shall be fined not more than ten thousand dollars, and be imprisoned at hard labor not less than two years, nor more than four years.

R. S., 536

Every citizen of the United States, or other person residing therein, who voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be punished by a fine of not more than two thousand dollars, and by imprisonment not more than two years.

R. S., 5381

Every citizen of the United States who voluntarily serves on board of any foreign vessel employed in the slave-trade, shall be punished as prescribed in the preceding section.

R. S., 5382

To meet the share of the United States in the expenses of the special bureau created by article eighty-two of the general act concluded at Brussels July second, eighteen hundred and ninety, for the repression of the African slave trade and the restriction of the importation into and sale in a certain defined zone of the African continent of firearms, ammunition, and spirituous liquors, for the year nineteen hundred and four, one hundred dollars.

Feb 9, 1903

## PART XLVIII.—PROTECTION OF SUBMARINE CABLES

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### 442. *Protection of submarine cables*

Feb 29, 1888

Any person who shall willfully and wrongfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding five thousand dollars, or to both fine and imprisonment, at the discretion of the court.

Sec. 2

Any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding five hundred dollars, or to both fine and imprisonment, at the discretion of the court.

Sec. 3

The provisions of the foregoing sections shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel. *Provided*, That he takes reasonable precautions to avoid such breaking or injury.

Sec. 4

The master of any vessel which, while engaged in laying or repairing submarine cables, shall fail to observe the rules concerning signals that have been or shall hereafter be adopted by the parties to the convention with a view to preventing collisions at sea; or the master of any vessel that, perceiving, or being able to perceive the said signals displayed upon a telegraph ship engaged in repairing a cable, shall not withdraw to or keep at a distance of at least one nautical mile; or the master of any vessel that seeing or being able to see buoys intended to mark the position of a cable when being laid or when out of order or broken, shall not keep at a distance of at least a quarter of a nautical mile, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding one month, or to a fine of not exceeding five hundred dollars.

The master of any fishing vessel who shall not keep his implements or nets at a distance of at least one nautical mile from a vessel engaged in laying or repairing a cable; or the master of any fishing vessel who shall not keep his implements or nets at a distance of at least a quarter of a nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding ten days, or to a fine not exceeding two hundred and fifty dollars, or to both such fine and imprisonment, at the discretion of the court: Sec 5.

*Provided, however,* That fishing vessels, on perceiving or being able to perceive the said signals displayed on a telegraph ship, shall be allowed such time as may be necessary to obey the notice thus given, not exceeding twenty-four hours, during which period no obstacles shall be placed in the way of their operations.

For the purpose of carrying into effect the convention, a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the Government of such foreign state, may exercise and perform the duties vested in and imposed on such officer by the convention. Sec. 6

Any person having the custody of the papers necessary for the preparation of the statements provided for in article ten of the convention who shall refuse to exhibit them or shall violently resist persons having authority according to article ten of said convention to draw up statements of facts in the exercise of their functions, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment not exceeding two years, or to a fine not exceeding five thousand dollars, or to both fine and imprisonment, at the discretion of the court. Sec 7

The penalties provided in this act for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury. Sec 8

When an offense against this act shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly. Sec 9.

Unless the context of this act otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or incorporate. The term "convention" shall be taken to mean the International Convention for the Protection of Submarine Sec 10

Cables, made at Paris on the fourteenth day of May, eighteen hundred and eighty-four, and proclaimed by the President of the United States on the twenty-second day of May, eighteen hundred and eighty-five.

Sec 11

The provisions of the Revised Statutes, from section forty-three hundred to section forty-three hundred and five, inclusive, for the summary trial of offenses against the navigation laws of the United States, shall extend to the trial of offenses against the provisions of sections four and five of this act.

Sec 12

The provisions of this act shall be held to apply only to cables to which the convention for the time being applies.

Sec 13.

The district courts of the United States shall have jurisdiction over all offenses against this act and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or outside of the said waters:

*Provided*, That in case such infraction is committed outside of the territorial waters of the United States the vessel on board of which it has been committed is a vessel of the United States. From the decrees and judgments of the district courts in actions and suits arising under this act appeals and writs of error shall be allowed as now provided by law in other cases.

Criminal actions and proceedings for a violation of the provisions of this act shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found, and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process.

## PART XLIX.—ADMINISTRATIVE AND EXECUTIVE OFFICES.

443	Department of Commerce and Labor	449.	Immigration Bureau.
444.	Bureau of Navigation	450	Life-Saving Service.
445.	Shipping commissioners	451	Revenue-Cutter Service.
446	Customs officers	452.	Light-House Board
447	Steamboat Inspection Service	453	Treasury agents
448.	Public Health and Marine-Hospital Service.	454	Alaska seal agents
		455	Coast and Geodetic Survey
		456.	District court commissioners

### 443 *Department of Commerce and Labor*

There shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of eight thousand dollars per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve, and judicial notice shall be taken of the said seal. Feb 14, 1903

There shall be in said Department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission and to all other business Sec 2

within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Commerce and Labor.

Sec 8

It shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. All unexpended appropriations, which shall be available at the time when this Act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this Act, be transferred to or included in the Department of Commerce and Labor, or which may hereafter, in accordance with the provisions of this Act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the Department of Commerce and Labor and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of said Department.

Sec 4

The following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the Department of Commerce and Labor, to remain henceforth under the jurisdiction of the latter, that the Department of Labor, the Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the Department of Commerce and Labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the Department of Commerce and Labor and consolidated with and made a part of the

Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the Department of Commerce and Labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the Secretary of Commerce and Labor shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his Department; and the Secretary of Commerce and Labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said Department, and to consolidate any of the statistical bureaus and offices transferred to said Department; and said Secretary shall also have authority to call upon other Departments of the Government for statistical data and results obtained by them; and said Secretary of Commerce and Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

The official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this Act transferred to the Department of Commerce and Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Commerce and Labor.

\* \* \* \*

Sec 5

And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section three of this Act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor

The jurisdiction, supervision and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon and other fisheries of Alaska and over the immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are hereby transferred and vested in the Department of Commerce and Labor: *Provided*, That nothing contained in this Act shall be construed to alter the method of collecting and accounting for the head-tax prescribed by section one of the Act entitled "An Act to regulate immigration," approved August third, eighteen hundred and

Sec 7

eighty-two. That the authority, power and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor.

Sec. 8

The Secretary of Commerce and Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department, and describing the work done by the Department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities, of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

Sec. 9

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All officers, clerks, and employees now employed in or by any of the bureaus, offices, departments, or branches of the public service in this Act transferred to the Department of Commerce and Labor are each and all hereby transferred to said Department at their present grades and salaries, except where otherwise provided in this Act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this Act transferred to and made a part of the Department of Commerce and Labor shall, so far as the same are not in conflict with the provisions of this Act, remain in full force and effect until otherwise provided by law.

Sec. 10

All duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this Act transferred to the Department of Commerce and Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Commerce and Labor.



All duties, power, authority and jurisdiction, whether supervisory, appellate or otherwise, now imposed or conferred upon the Secretary of the Treasury by Acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by Acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by Acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be and hereby are transferred to and imposed and conferred upon the Secretary of Commerce and Labor from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners and the Steamboat Inspection Service to the Department of Commerce and Labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all Acts or parts of Acts inconsistent with this Act are, so far as inconsistent, hereby repealed.

#### 444 *Bureau of Navigation*

There shall be in the Department of Commerce and Labor of the United States a Bureau of Navigation, under the immediate charge of a Commissioner of Navigation.

July 5, 1884  
Feb 14, 1903  
Secs 4, 10

The Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of any other officer of the Government.

July 5, 1884  
Sec 2  
Feb 14, 1903  
Secs 4, 10

He shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels, and to the filing and preserving of those documents; and wherever in title forty-eight [R. S., 4131-4305] or fifty [R. S., 4311-4390] of the Revised Statutes any of the above-named documents are required to be surrendered or returned to the Register of the Treasury, such requirement is hereby repealed, and such documents shall be surrendered and returned to the Commissioner of Navigation. Said Commissioner shall have charge of all similar documents now in the keeping of the Register of the Treasury, and shall perform all the duties hitherto devolved upon said Register relating to navigation.

July 5, 1884  
Sec 3

The Commissioner of Navigation shall be charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number, and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final.

Sec. 4

The Commissioner of Navigation shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home port, and place and date of building of every vessel, distinguishing in such list sailing-vessels from such as may be propelled by steam or other motive power.

Feb 14, 1903  
Secs 4, 10

He shall also report annually to the Secretary of Commerce and Labor the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of Commerce and Labor such particulars as may, in his judgment, admit of improvement or may require amendment.

July 5, 1884  
Sec 5  
Feb 14, 1903

The Commissioner of Navigation shall, under the direction of the Secretary of Commerce and Labor, be empowered to change the names of vessels of the United States, under such restrictions as may have been or shall be prescribed by act of Congress

July 5, 1884  
Sec 6.

The Commissioner of Navigation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall receive a salary of four thousand dollars per annum. And the Secretary of Commerce and Labor shall have power to transfer from existing Bureaus or divisions of the Department of Commerce and Labor one clerk, to be designated as deputy commissioner of navigation, to act with the full powers of said Commissioner during his temporary absence from his official duty for any cause, and such additional clerks as he may consider necessary to the successful operation of the Bureau of Navigation, without impairing the efficiency of the Bureaus or divisions whence such clerks may be transferred.

Feb 14, 1903  
Sec 10

#### 445. *Shipping commissioners*

R. S., 4501  
June 26, 1884.  
Sec 27.  
Feb. 14, 1903  
Secs 4, 10

The Secretary of Commerce and Labor shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his

duties until another person is duly appointed in his place. *Provided*, That Shipping Commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places. Shipping Commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of Commerce and Labor, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of Commerce and Labor, subject to the limitations now fixed by law. The Secretary of Commerce and Labor shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs.

June 19, 1886  
Feb 14, 1903.  
Sec 2

Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge, and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

R S , 4502

Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title [R. S., 4501-4618]; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

R S , 4505  
Jan 16, 1888  
June 20, 1884  
Sec 27.  
June 19, 1886

Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such

R S , 4506.

shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

R S, 4507.  
Mar. 3, 1897.  
Feb 14, 1903  
Sec 10

The Secretary of Commerce and Labor shall assign in public buildings or otherwise procure suitable offices and rooms for the shipment and discharge of seamen, to be known as shipping commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices.

R S, 4594  
June 19, 1886

In no case shall the salary, [fees, and emoluments] of any officer appointed under this Title [R S, 4501-4613] be more than five thousand dollars per annum [; and any additional fees shall be paid into the Treasury of the United States].

#### 446. *Customs officers*

R S, 2621

At each of the ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the collector.

First. To receive all reports, manifests, and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this Title [R. S. 2517-3129].

Second. To record, in books to be kept for that purpose, all manifests.

Third. To receive the entries of all ships or vessels, and of the goods, wares, and merchandise imported in them

Fourth. To estimate, together with the naval officer where there is one, or alone where there is none, the amount of the dues payable thereupon, indorsing such amount upon the respective entries.

Fifth. To receive all moneys paid for duties, and take all bonds for securing the payment thereof

Sixth. To grant all permits for the unlading and delivery of goods.

Seventh. To employ, with the approval of the Secretary of the Treasury, proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district

Eighth. To provide, with the like approval, at the public expense, store-houses for the safe-keeping of goods, and such scales, weights, and measures as may be necessary.

R S, 2622

At ports to which a collector and surveyor only are appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer is appointed. And he shall act in like manner in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act until an appointment is made.

R S, 2623.

At ports to which a collector only is appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at ports where a naval officer is appointed, and he shall also, as far as may be, per-

form all the duties prescribed for surveyors at ports where surveyors are authorized.

At ports of delivery to which no surveyor is appointed, and at such ports only, the collector may, from time to time, when it is necessary, employ a proper person to perform the duties of a surveyor, who shall be entitled to the like compensation with an inspector during the time he is employed. R S, 2624

In case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable, and, if there be no deputy, they shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, they shall devolve upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if there be no such surveyor, they shall devolve upon the surveyor of the port nearest thereto and within the district. R S, 2625

At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the naval officer— R S, 2626

First. To receive copies of all manifests and entries

Second To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector.

Fifth To examine the collector's abstracts of duties, and other accounts of receipts, bonds, and expenditures, and certify the same if found right.

At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the surveyor, who shall be in all cases subject to the direction of the collector— R S, 2627

First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port.

Second. To report once in every week to the collector the name or names of all inspectors, weighers, gaugers, or measurers who are absent from or neglect to do their duty.

Third. To visit or inspect the vessels which arrive in his port, and make a return in writing every morning to the collector of all vessels which have arrived from foreign ports during the preceding day; specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, to what nation belonging, and, if American vessels, whether the masters thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions of law

Fourth. To put on board each of such vessels one or more inspectors immediately after their arrival in his port.

Fifth. To ascertain the proof, quantities, and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof, as defined by the laws imposing duties on spirits.

Sixth. To examine whether the goods imported in any vessel, and the deliveries thereof, agreeably to the inspector's returns, correspond with the permits for landing the same; and if any error or disagreement appears, to report the same to the collector, and to the naval officer, if any.

Seventh. To superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty, or allowance, and examine and report whether the kind, quantity, and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor.

Eighth. To examine, and, from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards.

R S, 2628

At ports to which surveyors only are appointed, the surveyor shall perform all the duties enjoined upon surveyors by the preceding section; and shall also receive and record the copies of all manifests transmitted to him by the collector; shall record all permits granted by the collector, distinguishing the gauge, weight, measure, and quality of goods specified therein; and shall take care that no goods be unladen or delivered from any ship or vessel without a proper permit for that purpose.

R S, 2629

In case of the disability or death of a surveyor, the collector of the district may authorize some fit person to perform his duties and exercise his powers; and the powers of the person so authorized shall continue until a successor is duly appointed, and ready to enter upon the execution of his office.

R S, 2630

Every collector of the customs shall have authority, with the approval of the Secretary of the Treasury, to employ within his district such number of proper persons as deputy collectors of the customs as he shall deem necessary; and such deputies are declared to be officers of the customs. And in cases of occasional and necessary absence, or of sickness, any collector may exercise his powers and perform his duties by deputy, duly constituted under his hand and seal, and he shall be answerable for the acts of such deputy in the execution of such trust.

R S, 2631.

In case of the sickness or unavoidable absence of any collector or surveyor of customs from his office, he may,

with the approval of the Secretary of the Treasury, authorize some officer or clerk under him to act in his place, and to discharge all the duties required by law of such collector or surveyor in his capacity as disbursing agent; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.

Every naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their functions, powers, and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable. R S., 2632

The Secretary of the Treasury is authorized, whenever in his opinion the public interest demands it, to clothe any deputy collector at a port other than the principal port of entry, with all the powers of his principal appertaining to official acts; and he may require such deputy to give bond to the United States, in such amount as the Secretary may prescribe, for the faithful discharge of his official duties. R S., 2633

The Secretary of the Treasury may, from time to time, except in cases otherwise provided, limit and fix the number and compensation of the clerks to be employed by any collector, naval officer, or surveyor, and may limit and fix the compensation of any deputy of any such collector, naval officer, or surveyor. R S., 2634

Every collector, naval officer, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of one hundred dollars, recoverable to the use of the informer. R S., 2635

Every officer of the customs who demands or receives any other or greater fee, compensation, or reward than is allowed by law, for performing any duty or service required from him by law, shall be liable to a penalty of two hundred dollars for each offense, recoverable to the use of the party aggrieved. R S., 2636.

If any inspector, gauger, weigher, or measurer shall receive any gratuity, fee, or reward for any services performed by virtue of this Title [R. S., 2517-3129], other than is by law allowed, or if any gauger, weigher, or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh, or measure any article or articles, other than shall be directed by the proper officer, in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight, gauge, or measure of any merchandise laden, or to be laden, on board any vessel for the benefit R S., 2637

of drawback upon exportation, without having actually weighed, gauged, or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, he shall be liable for the first offense to a penalty of fifty dollars, and for each subsequent offense to a penalty of two hundred dollars, and be discharged from the public service. And if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation without having duly inspected and examined the same, after he shall have received the permit for lading such merchandise, or if the amount of such drawback shall be estimated according to weight, gauge, or measure, until such merchandise shall be first weighed, gauged, or measured, as the case may require, he shall be subject to the like penalties, and be discharged from the public service.

R S , 2688

No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of five hundred dollars.

R S , 2639

July 31, 1894

Every collector, naval officer, and surveyor shall keep accurate accounts of all fees and official emoluments received by him, and of all expenditures, specifying expenditures for rent, fuel, stationery, and clerk-hire, and shall annually, within ten days after the thirtieth day of June, transmit the same, verified by oath, to the proper Auditor, who shall annually lay an abstract of the same before Congress. Every collector, naval officer, or surveyor who omits or neglects to keep such account, or to transmit the same so verified, shall be liable to a penalty of not more than five hundred dollars.

R S , 2640

Feb 14, 1903  
Sec 10.

Collectors, naval officers, and surveyors shall attend in person at the ports to which they are respectively appointed; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the Secretary of the Treasury; and shall at all times submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose; and shall once in every month, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement. And if any collector, naval officer, or surveyor shall omit to keep fair and true accounts, or shall refuse to submit forthwith his books, papers, and accounts to inspection as required by law, or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding



three months after the same shall have been required by the proper officer, the delinquent officer shall be liable to a penalty of one thousand dollars, to be recovered with costs of suit.

Every collector, naval officer, and surveyor shall account to the Treasury for all his emoluments, and also for all the expenses incident to his office. Such accounts, as well of expenses as of emoluments, shall be rendered on oath, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury.

R S, 2041  
Feb 14, 1903  
Sec 10

The services performed by occasional inspectors shall be particularly detailed in the accounts to be transmitted to the Treasury, and certified by the naval officer or surveyor of the district, if there be any, as to the necessity for and performance of such services

R S, 2042

Every collector, naval officer, and surveyor shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel, and office-rent, stating the purposes for which the premises rented are applied.

R S, 2043

The collector of customs of each of the districts on the northern, northeastern, and northwestern frontiers shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office expenses, including office rent; for all of which expenses he shall submit an estimate each month in advance, and shall state the purposes for which any premises are used; and shall also render an accurate account of all fees and commissions collected by him.

R S, 2044

All accounts for salary, compensation, and emoluments shall be rendered quarterly, at the end of each quarter of the fiscal year.

R S, 2045

All blank-books, blanks, and stationery of every kind required by collectors and other officers of the customs shall, so soon as they can be prepared for delivery, by or under the direction of the Secretary of the Treasury [or the Secretary of Commerce and Labor], be furnished to them for the use of their respective offices, upon requisition made by them, and the expense of such books, blanks, and stationery shall be paid out of the appropriation for defraying the expenses of collecting the revenue from customs.

R S, 2046

Feb 14, 1903  
Sec 10

Every collector of customs, every naval officer, and every surveyor performing or having performed the duties of a collector, shall render a quarter-yearly account, under

R S, 2047.

Feb 14, 1908  
Sec 10

oath, to the Secretary of the Treasury, in such form as the Secretary shall prescribe, of all sums of money by each of them respectively received or collected for fines, penalties, or forfeitures, or for seizure of merchandise, or upon compromises made upon any seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of merchandise, which may be stored in the public store-houses, and for which a rent is paid beyond the rents paid by the collector or other such officer; or for custody of goods in bonded warehouses; and if from such accounting it shall appear that the money received in any one year by any collector, naval officer, or surveyor, on account and for rents and storage, and for fees and emoluments, shall in the aggregate exceed the sum of two thousand dollars, such excess shall be paid by the collector, naval officer, or surveyor, as the case may be, into the Treasury as public money.

R S , 2648

Collectors and surveyors of the collection-districts on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances required for the business of their districts, and to charge the sum of ten cents, and no more, for each blank which shall be prepared and executed by them.

#### 447. *Steamboat Inspection Service*

R S , 4402

There shall be a supervising inspector-general, who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the steamboat-inspection service, and who shall be entitled to a salary of three thousand five hundred dollars a year, and his reasonable traveling expenses, or mileage at the rate of ten cents a mile, incurred in the performance of his duty.

R S , 4403  
Feb 14, 1908  
Secs 4, 10

The supervising inspector-general shall, under the direction of the Secretary of Commerce and Labor, superintend the administration of the steamboat-inspection laws, preside at the meetings of the board of supervising inspectors, receive all reports of inspectors, receive and examine all accounts of inspectors, report fully at stated periods to the Secretary of Commerce and Labor upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations.

R S , 4404

There shall be ten supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam-vessels, and of all parts of the machinery employed in steaming. Each supervising

inspector shall be entitled to a salary of three thousand dollars a year and his actual and reasonable traveling expenses at the rate of ten cents a mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as may be given by the Secretary of Commerce and Labor.

Feb 14, 1903  
Secs 4, 10.

R S, 4405

The supervising inspectors and the supervising inspector-general shall assemble as a board once in each year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this Title [R. S., 4399-4500], and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years, but when he does not attend such meetings he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe.

Feb 14, 1903  
Secs 4, 10

The supervising inspectors shall see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, by following out the provisions of this Title [R. S., 4399-4500] according to the true intent and meaning thereof, and they shall, as far as practicable, harmonize differences of opinion existing in different local boards.

R S, 4408

The supervising inspector shall visit any collection-district in which there is at any time no board of inspectors, and within which steam-vessels are owned or employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam-vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local boards.

R. S., 4409.

Each supervising inspector shall report, in writing, at the annual meetings of the board, the general business transacted in his district during the year, embracing all violations of the laws regulating steam-vessels, and the action taken in relation to the same, all investigations and decisions by local inspectors, and all cases of appeal, and the result thereof; and the board shall examine into all the acts of each supervising inspector and local board, and all complaints made against the same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their

R S, 4410

journal; and the board shall, as far as possible, correct mistakes where they exist

R S, 4411

The board of supervising inspectors shall establish such regulations as may be necessary to make known in a proper manner, to local inspectors, the names of all persons licensed under the provisions of this Title [R. S. 4399-4500], the names of all persons from whom licenses have been withheld, and the names of all whose licenses have been suspended or revoked; also the names of all steam-vessels neglecting or refusing to make such repairs as may be ordered pursuant to law, and the names of all that have been refused certificates of inspection.

R S, 4414  
Mar 1, 1895

There shall be, in each of the following collection districts, one inspector of hulls and one inspector of boilers, namely: The districts of New York, New York; Boston, Massachusetts; Philadelphia, Pennsylvania; San Francisco, California; Albany, New York; New London, Connecticut; Baltimore, Maryland; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; New Orleans, Louisiana; Norfolk, Virginia; Saint Louis, Missouri; Dubuque, Iowa; Detroit, Michigan; Chicago, Illinois; Jacksonville, Florida; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan; Milwaukee, Wisconsin; Port Huron, Michigan; Willamette, Oregon; Portland, Maine; Puget Sound, Washington; Savannah, Georgia; Pittsburg, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Louisville, Kentucky; Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Cincinnati, Ohio; Gallipolis, Ohio; Wheeling, West Virginia; Superior, Michigan; Burlington, Vermont; Apalachicola, Florida; Galveston, Texas; Mobile, Alabama; Alaska; and Providence, Rhode Island.

Mar 1, 1895  
Sec 2  
Feb 14, 1908.  
Secs 4, 10.

The inspector of hulls and the inspector of boilers in the districts enumerated in the preceding paragraph shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce and Labor, namely:

In districts inspecting one hundred steamers and less to a salary of one thousand two hundred dollars per year each.

In districts inspecting over one hundred and less than one hundred and fifty steamers, to a salary of one thousand five hundred dollars per year each.

In districts inspecting one hundred and fifty and less than two hundred steamers, to a salary of one thousand eight hundred dollars per year each

In districts inspecting two hundred and less than three hundred steamers, to a salary of two thousand dollars per year each.

In districts inspecting three hundred and less than five hundred steamers, to a salary of two thousand two hundred and fifty dollars per year each.

In districts inspecting five hundred steamers and upward, to a salary of two thousand five hundred dollars per year each.

The Supervising Inspector-General shall report to the Secretary of Commerce and Labor the number of inspections for the year next preceding the approval of this Act and thereafter, at the end of each fiscal year, the number of steamers inspected in each local district in that year, which number shall be the basis upon which shall be determined the salaries to be paid to local inspectors for the following fiscal year, in the ratio described in the preceding paragraphs of this section. And, in addition, the Secretary of Commerce and Labor may appoint, upon the nomination of the supervising inspector of the district, in collection districts where there are two hundred and twenty-five steamers and upward to be inspected annually, assistant inspectors, at a salary, for the district of New York, of two thousand dollars a year each; for the district of New Orleans, Louisiana, Philadelphia, Pennsylvania; Baltimore, Maryland; Boston, Massachusetts, Chicago, Illinois, and San Francisco, California, at one thousand eight hundred dollars per year each; and for all other districts at a salary not exceeding one thousand six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand two hundred dollars a year to each person so appointed. Every inspector provided for in this or the preceding sections of this Title [R. S. , 4399-4500] shall be paid his actual and reasonable traveling expenses or mileage at the rate of five cents a mile incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce and Labor.

Mar 1, 1805  
Feb 14, 1908  
Secs 4, 10

Feb 15, 1897

Whenever any vacancy occurs in any local board of inspectors, or whenever local inspectors are to be appointed for a new district, [the supervising inspectors shall notify the collector or other chief officer of the customs for the district, and the judge of the district court for the district in which such appointment is to be made, who, together with the supervising inspector, shall meet together as a board of designators, and fill the vacant or new inspectorship. Such board, or the major part thereof,] when designating an inspector of hulls, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of hulls, and who, from his practical knowledge of ship-building and navigation and the uses of steam in navigation, is fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of steam-vessels and their equipment, deemed essential to safety of life in their navigation; and when designating an inspector of boilers, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of boilers, who, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the

R S , 4415

Jan 16, 1883

construction and use of boilers, and machinery, and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitability of boilers and machinery to be employed without hazard to life, from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. No appointment of an inspector of hulls or boilers shall be made without the concurrence of the supervising inspector. The inspector of hulls and the inspector of boilers [thus designated,] when approved by the Secretary of Commerce and Labor shall, from the date of designation, constitute a board of local inspectors.

Feb 14, 1903  
Secs 4, 10

! R S, 4416

No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this Title [R. S., 4399-4500], or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is directly or indirectly pecuniarily interested in any steam-vessel, or who has not the qualifications and requirements prescribed by this Title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising or local inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector, he shall be deemed guilty of a misdemeanor, punishable by a fine of five hundred dollars, and shall be dismissed from office.

R S, 4459  
Feb 14, 1903  
Secs 4, 10

Every supervising and local inspector of steamboats shall execute a proper bond, to be approved by the Secretary of Commerce and Labor, in such form and upon such conditions as the Secretary may prescribe, for the faithful performance of the duties of his office, and the payment in the manner provided by law of all moneys that may be received by him.

R S, 4460  
Feb 14, 1903  
Secs 4, 10

The Secretary of Commerce and Labor shall procure for the several supervising inspectors and local boards of inspectors such instruments, stationery, printing, and other things necessary for the use of their respective offices as may be required therefor.

R S, 4461

June 19, 1896  
Feb 14, 1903  
Secs 4, 10.

The salaries of the supervising inspector-general, of all supervising inspectors, local inspectors, assistant inspectors, and clerks, provided for by this Title [R. S., 4399-4500], together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this title, shall be paid for, under the direction of the Secretary of Commerce and Labor.

R S., 4462  
Feb. 14, 1903  
Secs 4, 10

The Secretary of Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this Title [R. S., 4399-4500].

R. S., 4455.

The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when

the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications.

The local board of inspectors, when so requested in writing by any master or owner, shall, under the direction of the supervising inspector, inspect steamers in other collection districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by such local board and unreversed by the supervising inspector of the district, are removed. Nothing in this section shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it can be done with safety. R S, 4456

The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses, or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat-laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year; and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the board of supervising inspectors, by their established rules, shall direct R S, 4457

Every inspector who willfully certifies falsely touching any steam-vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall be punished by fine of not more than five hundred dollars, or imprisonment for not more than six months, or both. R S, 4425

Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be otherwise punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months, or by both. R S, 5482

**448. Public Health and Marine-Hospital Service**

R S, 4802  
Mar 3, 1875  
Jan 1, 1889  
July 1, 1902

The President, by and with the advice and consent of the Senate, shall, from time to time, appoint a surgeon to act as surgeon general of the public health and marine-hospital service, who shall, under the direction of the Secretary of the Treasury, supervise all matters connected with the public health and marine-hospital service, and with the disbursement of the fund for the relief of sick and disabled seamen. He shall be entitled to a salary, paid out of the marine-hospital fund, of five thousand dollars a year, and to his necessary traveling expenses. And he shall make monthly reports to the Secretary of the Treasury.

Medical officers of the public health and marine-hospital service of the United States shall be appointed by the President by and with the advice and consent of the Senate, and no person shall be so appointed until after passing a satisfactory examination in the several branches of medicine, surgery and hygiene before a board of medical officers of the said service. Said examination shall be conducted according to rules prepared by the surgeon-general and approved by the Secretary of the Treasury and the President. Original appointments in the service shall only be made to the rank of assistant surgeon; and no officer shall be promoted to the rank of past assistant surgeon until after four years' service and a second examination as aforesaid; and no past assistant surgeon shall be promoted to be surgeon until after due examination.

The Surgeon-General is authorized to cause the detail of two surgeons and two past assistant surgeons for duty in the bureau, who shall each receive the pay and allowances of their respective grades in the general service.

July 1, 1902  
Sec 1

The President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

July 1, 1902  
Sec 9

The President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Feb 15, 1893,  
Sec 12  
Mar 3, 1901

The medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and



administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States.

The Secretary of the Treasury is authorized to lease, or to sell at public auction, to the highest and best bidder, for cash, after due notice in the public newspapers, such marine-hospital buildings and lands appertaining thereto as he may deem it advisable to sell, and to make, execute, and deliver all needful conveyances to the lessees or purchasers thereof respectively; and the proceeds of such leases and sales are hereby appropriated for the marine-hospital establishment. But the hospitals at Cleveland in Ohio, and Portland in Maine, shall not be sold or leased. And this section shall not be construed to authorize the Secretary of the Treasury to lease or sell any such hospital where the relief furnished to sick mariners shall show an extent of relief equal to twenty cases a day on an average for the last preceding four years, or where no other suitable and sufficient hospital accommodations can be procured upon reasonable terms for the comfort and convenience of the patients.

R S. 1806

The Secretary of the Treasury may rent or lease such marine-hospital buildings, and the lands appertaining thereto, as he may deem advisable in the interests of the public health and marine-hospital service; and the proceeds of such rents or leases are hereby appropriated for the said service.

Mar 1, 1875  
Sec 4

It shall be the duty of the Surgeon-General of the Public Health and Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary coöperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions

Feb 15, 1893  
Sec 4  
July 1, 1902

affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interests

Feb 15, 1898  
Sec 8.

Whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use, if in his opinion they are necessary to the United States.

#### 449. *Immigration Bureau*

Mar 3, 1891  
Sec 7  
Mar. 2, 1895

The office of commissioner-general of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The commissioner-general of immigration shall be an officer in the Department of Commerce and Labor, under the control and supervision of the Secretary of Commerce and Labor, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of Commerce and Labor shall require, and in addition to his other duties, shall have charge under the Secretary of Commerce and Labor of the administration of the alien-contract labor laws.

The Secretary shall provide the commissioner-general with a suitably furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. He shall have a chief clerk at a salary of two thousand dollars per annum and two first class clerks.

June 6, 1900

Hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various Acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of Commerce and Labor.

Feb 14, 1903  
Secs 4, 7

Mar 3, 1903  
Sec 22  
Feb 14, 1903  
Secs. 4, 7

The Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts

for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers for temporary service in foreign countries

The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed.

The duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor

Immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three. *Provided*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any

Aug 18, 1894

Mar 3, 1901

Sec 21

Feb 11, 1903

Secs 1, 7

Mar 3, 1903

Sec 21

Feb 14, 1903

Secs 4, 7

other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appeal to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Mar 3, 1903  
Sec 25

Feb 14, 1903  
Secs 4, 7

Such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon recommendation of the Commissioner General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of Commerce and Labor, whose decision shall then be final, and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

Aug 18, 1894

Feb 14, 1903  
Secs 4, 7.

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor.

#### 450. Life-Saving Service

June 18, 1878  
Sec 6

The President of the United States may, by and with the consent of the Senate, appoint a suitable person, who shall be familiar with the various means employed in the Life-Saving Service for the saving of life and property from shipwrecked vessels, as general superintendent of the Life-Saving Service, who shall, under the immediate direction of the Secretary of the Treasury, have general

charge of the service and of all administrative matters connected therewith, and whose compensation shall be at the rate of four thousand dollars per annum, and the Secretary of the Treasury is authorized to appoint an assistant to the general superintendent, whose compensation shall be two thousand five hundred dollars per annum.

It shall be the duty of the general superintendent to supervise the organization and government of the employees of the service, to prepare and revise regulations therefor as may be necessary, to fix the number and compensation of surfmen to be employed at the several stations within the provisions of law; to supervise the expenditure of all appropriations made for the support and maintenance of the Life-Saving-Service, to examine the accounts of disbursements of the district superintendents, and to certify the same to the accounting-officers of the Treasury Department; to examine the property returns of the keepers of the several stations, and see that all public property thereto belonging is properly accounted for; to acquaint himself, as far as practicable, with all means employed in foreign countries which may seem to advantageously affect the interests of the service, and to cause to be properly investigated all plans, devices, and inventions for the improvement of life-saving apparatus for use at the stations, which may appear to be meritorious and available, to exercise supervision over the selection of sites for new stations the establishment of which may be authorized by law, or for old ones the removal of which may be made necessary by the encroachment of the sea or by other causes, to prepare and submit to the Secretary of the Treasury estimates for the support of the service; to collect and compile the statistics of marine disasters contemplated by the act of June twentieth, eighteen hundred and seventy-four; and to submit to the Secretary of the Treasury, for transmission to Congress, an annual report of the expenditures of the moneys appropriated for the maintenance of the Life-Saving Service, and of the operations of said service during the year.

The Secretary of the Treasury may detail such officer or officers of the Revenue Cutter Service as may be necessary, to act as inspector and assistant inspectors of stations, who shall perform such duties in connection with the conduct of the service as may be required of them by the general superintendent

Hereafter the compensation of the keepers of life-saving stations shall be at the rate of nine hundred dollars per annum, each, except that of keepers of stations known as houses of refuge, which shall be at the rate of six hundred dollars per annum, each, and the compensation of the members of the crews of the stations, during the time the stations are manned, shall be at the rate of sixty-five dollars per month, each.

Sec 7

Sec 8

July 22, 1892

June 20, 1874  
Sec 2

The Secretary of the Treasury is hereby authorized, whenever, in his opinion, it may become necessary for the proper administration of the life-saving service, and the protection of the public property at the stations and houses of refuge herein authorized to be established, to appoint one superintendent for the coasts of Delaware and Virginia, one for the coast of Florida, one for the coasts of Lakes Erie and Ontario, one for the coasts of Lakes Huron and Superior, and one for the coast of Lake Michigan, and also a keeper for each of said stations and houses of refuge; and the said superintendents shall have the powers and perform the duties of inspectors of customs.

Sec 3

The compensation of each of the superintendents, to be appointed under the provisions of the preceding section, shall not exceed one thousand dollars per annum, and the compensation of the keepers shall not exceed two hundred dollars per annum, except that those employed at the houses of refuge on the Florida coast shall reside in said houses and receive a compensation at the rate of forty dollars per month.

Sec 4

The Secretary of the Treasury is hereby authorized to appoint an assistant to the superintendent of the coast of Long Island and Rhode Island, who shall perform the duties required of the superintendent at the life-saving stations within the State of Rhode Island, and reside on Block Island, and for his services he shall receive an annual salary of five hundred dollars.

Sec 5

The Secretary of the Treasury is hereby authorized to employ crews of experienced surfmen at such of the stations herein denominated complete stations and at such of the life-boat stations on the Pacific coast as he may deem necessary and proper, for such periods, and at such compensation, not to exceed forty dollars per month, as he may deem necessary and reasonable.

Sec 6

The Secretary of the Treasury may accept the services of volunteer crews of any of the life-boat stations herein authorized, who shall be subject to the rules and regulations governing the life-saving service, and a list of the names of each crew shall be kept in the office of the Secretary of the Treasury. Such volunteers shall receive no compensation except a sum of not more than ten dollars each for every occasion upon which they shall have been instrumental in saving human life, and such of the medals herein authorized as they may be entitled to under the provisions hereinafter made: *Provided*, That no payment shall be made to any person who shall not have actually participated in the efforts to save the life or lives rescued.

June 18, 1878  
Sec 10

Section six of said act of June twentieth, eighteen hundred and seventy-four, is so amended as to extend the compensation of the enrolled members of volunteer crews of life-boat stations therein named to occasions of actual and deserving service at any shipwreck, or in the relief of any vessel in distress, and that such persons as may volunteer

to take the place of any absent or disabled enrolled members of a crew, and who shall be accepted by the keeper, may be paid therefor, in the discretion of the Secretary of the Treasury, a sum not to exceed eight dollars each on every such occasion: *Provided*, That all crews and volunteers employed under authority of this act who may be present at a wreck shall be required to use their utmost endeavors to save life and properly care for the bodies of such as may perish, and, when such efforts are no longer necessary, to save property and protect the same, under the direction of the senior keeper present or of the superintendent of the district, until the arrival of persons legally authorized to take charge; and for the time employed in so saving and protecting property volunteers shall be entitled to compensation not to exceed three dollars per day each, in the discretion of the Secretary of the Treasury.

If any keeper or member of a crew of a life-saving or life-boat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable, but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

May 1, 1882  
Sec 7

If any keeper or member of a crew of a life-saving or life-boat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the life-saving service in the line of duty, leaving a widow, or a child or children under sixteen years of age, such widow and child or children shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount payable quarterly, as far as practicable, that the husband or father would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall re-marry at any time during the said two years, her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be

Sec 8

added to the amount to be paid to the remaining beneficiaries, if there be any.

June 18, 1878  
Sec 9

Upon the occurrence of any shipwreck within the scope of the operations of the Life-Saving Service, attended with loss of life, the general superintendent shall cause an investigation of all the circumstances connected with said disaster and loss of life to be made, with a view of ascertaining the cause of the disaster, and whether any of the officers or employees of the service have been guilty of neglect or misconduct in the premises; and any officer or clerk in the employment of the Treasury Department who may be detailed to conduct such investigation, or to examine into any alleged incompetency or misconduct of any of the officers or employees of the Life-Saving Service shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Sec 11

The enrolled members of the crews of life-boat stations may be called out for drill and exercise in the life-boat and life-saving apparatus as often as the general superintendent may determine, not to exceed twice a month, for each day's attendance at which they shall be entitled to the sum of three dollars each

May 4, 1882  
Sec 2

The Secretary of the Treasury is hereby authorized to discontinue any life-saving or life-boat station or house of refuge whenever in his judgment the interests of commerce and humanity no longer require its existence.

Sec 3

The General Superintendent may transfer the apparatus, appliances, equipments, and supplies of any discontinued station or house of refuge to such other stations or houses of refuge as may need them, and may also transfer any portion of the apparatus, appliances, equipments, and supplies, of one station or house of refuge to another whenever in his judgment the interests of the service may require it.

Sec 4

Hereafter all district superintendents of life-saving stations shall be disbursing officers and paymasters for their respective districts, and shall give such bonds as the Secretary of the Treasury may require, and shall have the powers and perform the duties of inspectors of customs.

Sec 10

The appointment of district superintendents, inspectors, and keepers and crews of life-saving stations shall be made solely with reference to their fitness, and without reference to their political or party affiliations.

June 18, 1878  
Sec 2

The unexpended balances of appropriations heretofore made for the establishment of life-saving and life-boat stations are hereby made available for the payment of the expenses of the establishment of the stations herein authorized.

Sec 3.

All moneys received from the sale of old stations and equipments and other material condemned by a board of survey as unserviceable may be expended in rebuilding or improving and equipping stations.



Hereafter the compensation of the keepers of life-saving and life-boat stations and houses of refuge shall be at the rate of four hundred dollars per annum; and they shall have the powers of inspectors of customs, but shall receive no additional compensation for duties performed as such: *Provided*, That said keepers shall have authority and be required to take charge of and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorized to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury; and keepers of life-saving stations shall be required to reside continually at or in the immediate vicinity of their respective stations. [Note. Compensation changed June 22, 1892; but powers bestowed in this section remain.]

Sec. 4

Hereafter the life-saving stations upon the Atlantic and gulf coasts at which crews are employed shall be manned and the stations opened for active service on the first day of August in each year, and so continue until the first day of June succeeding, and upon the lake coasts from the opening to the close of navigation, except such stations as, in the discretion of the Secretary of the Treasury, are not necessary to be manned during the full period specified; and the crews shall reside at the stations during said periods.

Sec. 5

Aug. 3, 1891

*Provided*, That those surfmen who enlist for a term including more than eight and a half months of active service, and those who enlist to fill vacancies caused by the promotion, death, resignation or dismissal of such surfmen shall receive sixty dollars per month during said period of active service.

Mar. 2, 1895

Crews may be employed at any of the life-saving or life-boat stations on the Pacific coast during such portion of the year as the general superintendent may deem necessary

May 4, 1882  
Sec. 6

The Secretary of the Treasury is hereby authorized to make all necessary regulations for the government of the life-saving service not inconsistent with law.

June 20, 1871  
Sec. 8

The Secretary of the Treasury is hereby authorized to dispose of, to the best advantage, after due condemnation by board of survey, such articles or materials belonging to the life-saving service as may, from long continued use or other cause, become unserviceable and the proceeds of such sale shall be covered into the Treasury.

Sec. 9

#### 451 Revenue-Cutter Service.

The Secretary of the Treasury shall detail a captain of the Revenue-Cutter Service who shall be chief of the division of Revenue-Cutter Service, and a chief engineer, who shall be engineer in chief of said Service, but no additional pay or emoluments shall be allowed on account of such detail.

July 31, 1894

The President may from time to time cause such of the revenue-cutters as have become unfit for further service to

R. S., 2714.

be sold; and the proceeds shall be paid into the Treasury: *Provided*, That the Secretary of the Treasury may apply, in the purchase or construction of revenue-cutters, any unexpended balance of the proceeds of revenue-cutters sold by him under the authority of section two of the act of twentieth April, eighteen hundred and sixty-six, chapter sixty-three.

R 9, 2749

The officers for each revenue-vessel shall be one captain, and one first, one second, and one third lieutenant, and for each steam-vessel, in addition, one engineer and one assistant engineer; but the Secretary of the Treasury may assign to any vessel a greater number of officers whenever in his opinion the nature of the service which she is directed to perform requires it. And vessels of both descriptions shall have such number of petty officers and men as in the opinion of the Secretary are required to make them efficient for their service.

July 31, 1876

Hereafter upon the occurring of a vacancy in the grade of third lieutenant of the Revenue-Cutter Service, the Secretary of the Treasury may appoint a cadet not less than eighteen nor more than twenty-five years of age with rank next below that of third lieutenant, whose pay shall be three-fourths that of a third lieutenant, and who shall not be appointed to a higher grade until he shall have served a satisfactory probationary term of three years and passed the examination required by the regulations of said service, and upon the promotion of such cadet another may be appointed in his stead, but the whole number of third lieutenants and cadets shall at no time exceed the number of third lieutenants now authorized by law.

Feb. 25, 1903

R 8, 2750

The grades of engineers shall be chief engineer, and first, and second assistant engineer, with the pay and relative rank of first, second, and third lieutenant, respectively.

June 4, 1897

Any chief engineer of the Revenue-Cutter Service who has held the office of engineer in chief shall hereafter receive the pay and emoluments of a captain of said service, and shall be eligible for appointment to the office of captain of engineers in said service, with the pay and emoluments of such captain.

R 9, 2751

The commissioned officers of the revenue-cutter service shall be appointed by the President, by and with the advice and consent of the Senate

Apr 12, 1902

On and after the passage of this Act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant: *Provided, however*, There shall be no increase in the number of officers upon the active list over the present number in each class or grade

The said commissioned officers shall rank as follows. Sec 2  
 Captains with majors in the Army and lieutenant-commanders in the Navy, first lieutenants with captains in the Army and lieutenants in the Navy; second lieutenant with first lieutenants in the Army and lieutenants (junior grade) in the Navy; third lieutenants with second lieutenants in the Army and ensigns in the Navy. *Provided*, That whenever forces of the Navy and Revenue-Cutter Service shall be serving in cooperation pursuant to law (section twenty-seven hundred and fifty-seven, Revised Statutes), the officers of the Revenue-Cutter Service shall rank as follows: Captains with and next after lieutenant-commanders in the Navy; first lieutenants with and next after lieutenants in the Navy, second lieutenants with and next after lieutenants (junior grade) in the Navy, third lieutenants with and next after ensigns in the Navy. *Provided further*, That no provision of this Act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service. Nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President.

The commissioned officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay. Sec 3

When any officer in the Revenue-Cutter Service has reached the age of sixty-four years he shall be retired by the President from active service; and when any officer has become incapable of performing the duties of his office he shall be either placed upon the retired waiting-orders list or dropped from the service by the President, as hereinafter provided. Sec. 4

The Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Revenue-Cutter Service retiring board, composed of officers of the Revenue-Cutter Service and medical officers of the Public Health and Marine-Hospital Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers of the Public Health and Marine-Hospital Service, for the purpose of examining and reporting on such officers of the Revenue-Cutter Service as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and Sec 5

when the board finds an officer incapacitated for active service it shall also find and report the cause which in its judgment has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

Sec 6

When a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

Sec 7.

When a board finds that an officer is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due to any incident of service, and its decision shall be approved by the President, the officer shall be dropped from the service.

Sec 8

When any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement: *Provided*, That all promotions shall be subject to examination to determine the professional qualifications of the candidates, and such examination shall be wholly written before a board of officers of the Revenue-Cutter Service, and their physical qualifications shall be reported upon by a board of medical officers of the Public Health and Marine-Hospital Service; and such board shall be convened by the Secretary of the Treasury whenever the exigencies of the service require.

Sec 9

All officers borne upon the retired or permanent waiting-orders list at the date of the passage of this Act, or hereafter, shall receive seventy-five per centum of the duty pay, salary, and increase of the rank upon which they have been or may be retired. *Provided*, That no longevity increase of pay shall be allowed for any length of service accruing after retirement.

R S., 2752

No person shall be appointed to the office of captain, first, second, or third lieutenant, of any revenue-cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship.

R S., 2753

The compensation of the officers of the revenue-cutter service shall be at the following rates while on duty:

Captains, twenty-five hundred dollars a year each.

First lieutenants and chief engineers, eighteen hundred dollars a year each.

Second lieutenants and first assistant engineers, fifteen hundred dollars a year each

Third lieutenants and second assistant engineers, twelve hundred dollars a year each

And at the following rates while on leave of absence or while waiting orders:

Captains, eighteen hundred dollars a year each

First lieutenants and chief engineers, fifteen hundred dollars a year each.

Second lieutenants and first assistant engineers, twelve hundred dollars a year each.

Third lieutenants and second assistant engineers, nine hundred dollars a year each.

Cadets, five hundred dollars per annum and one ration per day each. Aug 16, 1894

The wages of petty officers and seamen of the revenue cutter service shall not exceed the average wages paid for like services on the Atlantic or Pacific coasts, respectively, in the merchant service. R S, 2754

Each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day. R S, 2755

The Secretary of the Treasury may cause contracts to be made for the supply of rations for the officers and men of the revenue-cutters. R S, 2756

The revenue-cutters shall, whenever the President so directs, co-operate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department. R S, 2757

The master of any revenue-cutter shall make a weekly return to the collector, or other officer of the district under whose direction it is placed, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know. R S, 2761

The officers of revenue-cutters shall perform, in addition to the duties hereinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law. R S, 2762

#### 452 *Light-House Board*

The President shall appoint two officers of the Navy, of high rank, two officers of the Corps of Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, together with an officer of the Navy and an officer of engineers of the Army, as secretaries, who shall constitute the Light House Board. R S, 4663

R S, 4654  
Feb 14, 1903  
Sec 4  
R S, 4655

The Secretary of Commerce and Labor shall be ex-officio president of the Light-House Board.

The Light-House Board shall elect, by ballot, one of their number as chairman of the board, who shall preside at their meetings, when the president is absent, and perform such acts as may be prescribed by the rules of the board.

R S, 4656  
Feb 14, 1903  
Sec 4

The Light-House Board shall meet, for the transaction of business, on the first Mondays in March, June, September, and December. But the Secretary of Commerce and Labor may convene the board whenever, in his judgment, the exigencies of the service require it.

R S, 4657

The Light-House Board may adopt such regulations for the government of their meetings as they judge expedient.

R S, 4658  
Feb 11, 1903  
Sec 4

The Light-House Board shall be attached to the office of the Secretary of Commerce and Labor, and under his superintendence shall discharge all administrative duties relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies, and materials of all kinds for building, and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States; and shall have the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Light-House Establishment.

R S, 4659  
Feb 11, 1903  
Sec 4

The Light-House Board shall furnish, upon the requisition of the Secretary of Commerce and Labor, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required, to be laid before Congress at the commencement of each session

Mar 3, 1870

The expenso of maintaining the vessels of the light-house establishment, may be paid from any surplus of the appropriations for the works, general or special, on which the respective vessels are, for the time being, employed; and the cost of repairs to such vessels may be paid from the appropriation under which they respectively were employed when they were injured or became deteriorated to such an extent as to render the repairs necessary; or, if such appropriation be exhausted, then from the appropriation under which they are respectively to be next employed.

R S, 4660

The Light-House Board is authorized, whenever an appropriation has been or may be made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land, provided the purchase-money be paid from the amount appropriated for such light-house.

No light-house, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. R S, 4661

A cession by a State of jurisdiction over a place selected as the site of a light-house, or other structure or work of the Light-House Establishment, shall be deemed sufficient within the preceding section, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded, in the same manner as if no cession had been made. R S, 4662

Whenever preliminary surveys are required to ascertain the necessity for any light-house, light-ship, beacon, or other warning to vessels, the erection of which is or may be authorized by law, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of Commerce and Labor may cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the Corps of Engineers. In all cases in which adverse reports are made, they shall be submitted to Congress at its next session. In all cases in which the objects authorized are favorably reported upon, the works may be commenced immediately after valid titles and cessions of jurisdiction shall have been obtained to the sites. R S, 4663  
Feb 14, 1908  
Sec 4

The President shall cause to be detailed from the Engineer Corps of the Army, from time to time, such officers as may be necessary to superintend the construction and renovation of light-houses. R S, 4664

The Light-House Board shall cause to be prepared by the engineer secretary of the board, or by such officer of engineers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost, of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the Light-House Establishment, and no bid or contract shall be accepted or entered into, except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers. R S, 4665

All materials for the construction and repair of light-houses, light-vessels, beacons, buoys, and so forth, shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of Commerce and Labor, and all works of construction, renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer secretary, or of such engineer of the Army as may be detailed for that service. R S, 4666  
Feb 14, 1908  
Sec 4

July 7, 1881

Hereafter it shall be the duty of the Light-House Board to apply the money appropriated, other than for surveys, as far as can be without detriment to the interests of the Government, by contract.

R S, 4667

No contract for the erection of any light-house shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary of Commerce and Labor.

Feb 14, 1903  
Sec 1

R S, 4668

Whenever any of the light-vessels occupying positions which are adapted to the erection of light-houses upon pile-foundations require to be rebuilt, or require such extensive repairs as to render the substitution of such light-house advisable and practicable, such permanent structures may be erected in place of any such light-vessels; but the expense arising from all such changes and erections shall be defrayed from the general annual appropriations for repairs, and so forth, of light-vessels, except when a special appropriation is made for such change.

R S, 4669  
Feb 14, 1903  
Sec 4

The Light-House Board, with the approval of the Secretary of Commerce and Labor, shall prescribe, and from time to time may alter or amend, and cause to be distributed, such regulations as they deem proper for securing an efficient, uniform, and economical administration of the Light-House Establishment.

R S, 4670  
July 26, 1886

The Light-House Board shall arrange the ocean, gulf, lake, and river coasts of the United States into light-house districts, not exceeding sixteen in number. Any law or regulation prohibiting the employment in the light-houses of the United States of persons more than forty-five years of age is hereby repealed.

June 29, 1871

The jurisdiction of the Light-House Board is hereby extended over the Mississippi, Ohio and Missouri rivers for the establishment of such beacon lights, day beacons, and buoys as may be necessary for the use of vessels navigating those streams, and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels and which in consequence can not be made permanent.

R S, 4671

An officer of the Army or Navy shall be assigned to each district as a light house inspector, subject to the orders of the Light-House Board; and shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile, when traveling under orders connected with his duties.



The Secretary of Commerce and Labor shall assign to any of the collectors of the customs the superintendence of such light-houses, beacons, light-ships, and buoys, as he deems best.

R S , 4672  
Feb 11, 1903  
Sec 4

The Secretary of Commerce and Labor is authorized to regulate the salaries of the respective keepers of light-houses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of six hundred dollars to each keeper.

R S , 4673  
Feb 11, 1903  
Sec 4

The Secretary of Commerce and Labor may, upon the recommendation of the Light-House Board, discontinue from time to time such lights as may from any cause become useless or unnecessary. And he may, upon the like recommendation, from time to time re-establish any lights which have been thus discontinued, whenever he believes such re-establishment to be required by public convenience or the necessities of trade or commerce.

R S , 4671  
Feb 14, 1903  
Sec 4

The Secretary of Commerce and Labor shall have power to order the sale at auction, after due public notice, of any real estate or other property pertaining to the light-house establishment, no longer required for light-house purposes; the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases.

R S , 4675  
June 23, 1871  
Feb 14, 1903  
Sec 1

No additional salary shall be allowed to any civil, military, or naval officer on account of his being employed on the Light-House Board, or being in any manner attached to the light-house service.

R S , 4670

No member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the light house service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the light-house service.

R S , 4680

#### 453 *Treasury agents*

The Secretary of the Treasury may appoint one supervising special agent, who shall receive in addition to the necessary traveling expenses actually incurred by him, a compensation of ten dollars per day, eighteen special agents, who shall each receive in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury, not to exceed eight dollars per day; and nine special agents, who shall each receive in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury not to exceed six dollars per day, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs, and to be employed generally, under the direction of the Secretary, in the prevention and

R S , 2649  
Aug 15, 1876  
Mar 3, 1891

Feb 14, 1903  
Secs 4, 10

detection of frauds on the customs revenue; and the expense thereof shall be charged to the "appropriation to defray the expense of collecting the revenue from customs."

R S, 2651  
Aug 15, 1876

The Secretary of the Treasury may, from time to time, make such regulations not inconsistent with law, for the government of the special agents, as he deems expedient, and may rescind or alter regulations so made. But no special agent, in addition to those authorized by the two preceding sections [Sec. 2649 as amended], shall be appointed or employed upon any business relating to the customs revenue; nor shall any sum be paid to any agent authorized to be employed for mileage or any other expenses except such as are actually incurred in the discharge of his official duty.

R S, 2652

It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty shall arise as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary of the Treasury shall be conclusive and binding upon all officers of the customs.

R S, 2653

The Secretary of the Treasury is hereby authorized, whenever he shall think it advantageous to the public service, to abolish or suspend the office of naval officer, or any other subordinate office, in any collection-district of the United States, except in Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, Portland in Maine, and San Francisco, and to assign the duties of the office or any other subordinate office so abolished or suspended to a deputy collector or inspector of the customs; and so much of all fines, penalties, and forfeitures as would otherwise inure to either of such naval officers shall, after the discontinuance of their offices, respectively, be paid into the Treasury of the United States, and there credited to the fund for defraying the expenses of collecting the revenue from customs.

#### 454. *Alaska Seal Agents*

R S, 1973  
Feb 14, 1903  
Sec 7

The Secretary of Commerce and Labor is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of Commerce and Labor.

R.S., 1974

The agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day, and two assistant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year.

Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise R S, 1975

Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues. R S, 1976

For the purpose of better guarding against frauds upon the revenue on foreign merchandise transported between the ports of the Atlantic and those of the Pacific overland through any foreign territory, the Secretary of the Treasury may appoint special sworn agents as inspectors of the customs, to reside in such foreign territory where such merchandise may be landed or embarked, with power to superintend the landing or shipping of all merchandise, passing coastwise between the ports of the United States on the Pacific and the Atlantic. It shall be their duty, under such regulations and instructions as the Secretary of the Treasury may prescribe, to guard against the perpetration of frauds upon the revenue. The compensation paid to such inspectors shall not in the aggregate exceed five thousand dollars per annum R S, 2999  
Feb 14, 1903  
Sec 10

#### 455 *Coast and Geodetic Survey*

The President is authorized to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States, and also the respective courses and distances between the principal capes or headlands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts. R S, 1681

The President may also cause such examinations and observations to be made with respect to Saint George's Bank, and to any other bank, or shoal, and the soundings and currents, although beyond the distance of twenty leagues from the shore to the Gulf Stream, as he may deem especially subservient to the commercial interests of the United States R S, 1682

All appropriations made for the work of surveying the coast of the United States shall be expended in accordance with the plan of re-organizing the mode of executing the survey which has been submitted to the President by a board of officers organized under the act of March three, eighteen hundred and forty-three, chapter one hundred. R S, 4653

The President shall carry into effect the plan of the board, as agreed upon by a majority of its members; and shall cause to be employed as many officers of the Army and Navy of the United States as will be compatible with the successful prosecution of the work; the officers of the Navy to be employed on the hydrographical parts, and the officers of the Army on the topographical parts of the work; and R S, 4654

no officer of the Army or Navy shall receive any extra pay out of any appropriations for surveys

R. S., 4685

The President is authorized, in executing the provisions of this Title [R. S., 4681-4691], to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons, as he shall deem proper.

R. S., 4686

The President is authorized, for any of the purposes of surveying the coast of the United States, to cause to be employed such of the public vessels in actual service as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper, according to the tenor of this Title [R. S., 4681-4691].

R. S., 4687

Officers of the Army and Navy shall, as far as practicable, be employed in the work of surveying the coast of the United States, whenever and in the manner required by the Department having charge thereof

R. S., 4688  
Feb. 11, 1903  
Sec. 1

The Secretary of Commerce and Labor may make such allowances to the officers and men of the Army and Navy, while employed on Coast Survey service, for subsistence, in addition to their compensation, as he may deem necessary, not exceeding the sum authorized by the Treasury regulation of the eleventh day of May, eighteen hundred and forty-four.

Aug. 30, 1890

Nor shall there hereafter be made any allowance for subsistence to officers of the Navy attached to the Coast and Geodetic Survey, except that when officers are detached to do work away from their vessels under circumstances involving them in extra expenditures, the Superintendent may allow to any such officer subsistence at a rate not exceeding one dollar per day for the period actually covered by such duty away from such vessel.

R. S., 4689

The salary of the Superintendent of the Coast Survey shall be six thousand dollars a year.

R. S., 4690

The Coast Survey report shall be submitted to Congress during the month of December in each year, and shall be accompanied by a general chart of the whole coasts of the United States, on as large a scale as convenient and practicable, showing, as near as practicable, the configuration of the coasts, and showing, by lines, the probable limits of the Gulf Stream, and showing, by lines, the probable limit to which the soundings off the coast will extend, and showing, by the use of colors and explanations, the exact portions of our coasts, of which complete charts have been published by the Coast Survey; also, showing such other parts of the coasts of which the triangulation, the topography, and the soundings have been completed, but not published, and, also, such parts of the coasts of which the triangulation and topography, or the triangulation only, have been completed.

456 *District court commissioners*

The terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the thirtieth day of June, eighteen hundred and ninety-seven; and such office shall on that day cease to exist, and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner appointed as herein provided, as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court, and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney-General. *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this Act. Warrants of arrest for violations of internal revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent or private citizen, but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney. That United States commissioners and all clerks of United States courts are hereby authorized to administer oaths.

May 28, 1896  
Sec 19

## PART L—FEES PAYABLE BY PRIVATE PERSONS.

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### 457 *Fees on vessels payable by private persons*

[NOTE.—By section 1 of the act of June 19, 1886, and section 22 of the act of June 10, 1890, the system of compensating officers of the Government enforcing the navigation laws was materially changed. Nearly all the fees previously collected by them from masters and owners of vessels of the United States for services rendered were abolished, and payment made directly from the Treasury on the basis of the former fees. For this reason, wherever practicable in the text of this compilation, provisions requiring the payment of fees have been omitted as no longer in force between the master or owner of a vessel of the United States and the Government, but in force only as determining the compensation, in some instances, paid by the Government to its employees.]

Following are the sections of law above referred to, with a schedule of the fees which still remain payable by the owner, master, or agent of a vessel of the United States at ports on the seaboard and western rivers, and also at ports on the Great Lakes and northern, northeastern, and northwestern frontiers.]

June 19, 1886

On and after July first, eighteen hundred and eighty-six, no fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam-vessels or shipping commissioners, for the following services to vessels of the United States, to wit: Measurement of tonnage and certifying the same, issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit, granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list, certificate of protection to seamen; bill of health; shipping or discharging of seamen, as provided by title fifty-three of the Revised Statutes [R. S., 4501-4612] and section two of this act; apprenticing boys to the merchant service; inspecting, examining, and licensing steam-vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel; and all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July first, eighteen hundred and eighty-six. Collectors or other officers of customs, inspectors of steam-vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law, to the Secretary of the Treasury [or the Secretary of Commerce and Labor], under such regulations as that officer may prescribe; and the Secretary of the Treasury [or the Secretary of Commerce and Labor] shall allow and pay, from any money in the Treasury not other-

Feb 14, 1903  
Sec. 10

wise appropriated, said officers such compensation for said services as each would have received prior to the passage of this act; also such compensation to clerks of shipping commissioners as would have been paid them had this act not passed *Provided*, That such services have, in the opinion of the Secretary of the Treasury [or the Secretary of Commerce and Labor], been necessarily rendered

All fees exacted and oaths administered by officers of the customs, except as provided in this act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon all entries of domestic goods, wares, and merchandise for exportation, are hereby abolished. ' \* \* *Provided*, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

June 10, 1890  
Sec 22

## PORTS ON ATLANTIC, PACIFIC, AND GULF COASTS AND WESTERN RIVERS

For inspector's certificate to cancel bond, etc .....	\$0 20
Granting permit to a vessel not belonging to a citizen of the United States to go from district to district, and for receiving manifest .....	2 00
Receiving manifest, and granting permit to unload, for last-mentioned vessel on arrival at one district from another .....	2 00
Entry of vessel of 100 tons or more from foreign port .....	2 50
Entry of vessel under 100 tons .....	1 50
Clearance of vessel of 100 tons or more for a foreign port .....	2 50
Clearance of vessel under 100 tons .....	1 50
Post-entry .....	2 00
Bond taken officially, not otherwise provided for, except when executed in connection with the entry or passage of goods through the customs, or with the entry of merchandise for exportation .....	40
Official certificate, except as above stated .....	20
Collector's certificate to shipping articles .....	20
Special certificate to cancel bond not given in connection with entry of merchandise, etc., under act 1890 .....	20
Certified copy of outward manifest, if required .....	20
Copy of marine document .....	20
Official documents (United States vessels' documents excepted) required by any merchant, owner, or master of any vessel not before enumerated, including bills of health for foreign vessels .....	20
Services other than admeasurement to be performed by the surveyor in foreign-going vessels of 100 tons or more, having on board merchandise subject to duty, Revised Statutes, 4186 (not applicable to vessels without cargo but with excess of sea stores) .....	3 00
For like services in vessels under 100 tons having similar merchandise .....	1 50
For like services on all foreign-going vessels not having merchandise subject to duty .....	67
Certified copy of bill of sale, mortgage, or other conveyance .....	50
Duties performed by the surveyor on vessel of 100 tons or upwards, if there be dutiable cargo .....	3 00
Duties performed by surveyor on vessel of less than 100 tons, if there be dutiable cargo .....	1 50
Duties performed by surveyor on vessel of whatever tonnage with free cargo or ballast .....	67
Tonnage duty, if due .....	
Certificate payment tonnage dues, foreign vessel .....	20
Bill of health, foreign vessel .....	20
Bond to retain cargo on board, if required .....	40

Certificate of American growth or production, if required .....	\$0 20
Clearance of an American vessel for a foreign port. Fee same as above (but no fee collectible for bill of health, certificate payment tonnage tax, crew list, or bond)	
Certificate to shipping articles, if required .....	.20
The fees allowed to surveyors for services other than admeasurement on board vessels may be charged by the collectors performing such services at ports where there are no surveyors, but such fees will not be collected from coasting vessels	
Fees for the admeasurement of vessels under 5 tons in burden will not be charged	
Collectors may receive port warden's, health officer's, and harbor-master's fees where it is a matter of convenience to all parties concerned	
The term "legal fees," used in section 4206, Revised Statutes, does not mean pilotage, half pilotage, or similar local charges	
Masters of passenger vessels from foreign territory not contiguous to the United States are required to pay, within twenty-four hours from entry, to the collector of customs at the port of arrival, \$10 for each passenger over 8 years of age (not being a cabin passenger) who shall have died of natural disease during the voyage	
Collectors, naval officers, and surveyors are required to have posted in a public place in their offices a fair table of the fees demandable by law at their ports, subject at all times to inspection, and to give receipts for fees collected, specifying the particulars, whenever required to do so. Failure to observe these requirements entails a penalty of \$100 for the benefit of the informer	

## PORTS ON NORTHERN, NORTHEASTERN, AND NORTHWESTERN FRONTIERS

Post entry .....	\$2 00
Official bond not otherwise provided for, except when executed in connection with the entry or passage of goods through the customs, or with the entry of domestic merchandise for exportation .....	50
Official certificate not otherwise provided for, except as above stated. ....	20
Special certificate to cancel bond not given in connection with entry, merchandise, etc., under act 1890 .....	20
Certified copy of outward manifest, if required .....	20
Copy of marine document .....	20
Copy bill of sale, mortgage, or other conveyance .....	50
The fees above mentioned are applicable in the case of all vessels navigating the waters of the northern, northeastern, and northwestern frontiers otherwise than by the sea, and no fees other than those above specially enumerated can be legally collected from the owners or masters, as such, of vessels enrolled or licensed on said frontiers	
Post entry, if made .....	2 00
Clearance of a foreign vessel for a foreign port .....	
Clearance .....	50
Bond to retain cargo, if necessary .....	50
Clearance of an American vessel directly for a foreign port .....	
Clearance .....	50
Bond to retain cargo, if necessary .....	50
Entry of an American vessel engaged in the coasting trade and touching at a foreign port .....	
Post entry, if made .....	2 00
The fees allowed to surveyors for services other than admeasurement on board vessels may be charged by the collectors performing such services at ports where there are no surveyors, but such fees will not be collected from coasting vessels	
Fees for the admeasurement of vessels under 5 tons in burden will not be charged	
Collectors may receive port warden's, health officer's, and harbor-master's fees where it is a matter of convenience to all parties concerned	
The term "legal fees," used in section 4206, Revised Statutes, does not embrace pilotage, half-pilotage, or similar local charges	
Masters of passenger vessels from foreign territory not contiguous to the United States are required to pay, within twenty-four hours from entry, to the collector of customs at the port of arrival, \$10 for each passenger over 8 years of age (not being a cabin passenger), who shall have died of natural disease during the voyage	
Permits are not required on the northern frontier to unlade cargo brought from an American port, but permits must be obtained, and existing laws complied with, previous to the discharge or landing of passengers, baggage, goods, wares, or merchandise brought from foreign ports or places	



Canadian steamers trading on the northern frontiers from one foreign port to another, and touching during the course of such voyage at a port or place in the United States, and landing passengers, baggage, or freight are required to report

Enrolled or licensed vessels upon the frontiers departing from or arriving at a port in one collection district to or from a port in another collection district, although touching at an intermediate foreign port, are exempted from payment of the entrance and clearance fees of fifty cents each, and from the payment of tonnage tax, but in all such cases an entry or clearance must be made, and fees be paid of ten cents for certification of manifest and permit to go from district to district, and ten cents for receiving manifest

Vessels used exclusively as ferry-boats, however laden, will not be required to enter or clear, nor will the masters or persons in charge of such boats be required to present manifests or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but such masters or other persons will be required to report to the proper officer of the customs in each instance, and to apprise him of any baggage, goods, wares, or merchandise which may have been imported in such boats from any foreign territory

Collectors on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances, and to charge therefor the sum of 10 cents for each blank, and no more. But this does not prohibit private persons from furnishing their own blanks, if said blanks are in accordance with law and regulations

Collectors, naval officers, and surveyors are required to have posted in a public place in their offices a fair table of the fees demandable by law at their ports, subject at all times to inspection, and to give receipts for fees collected, specifying the particulars, whenever required to do so. Failure to observe these requirements entails a penalty of \$100 for the benefit of the informer

## PART LI—CUSTOMS DISTRICTS, PORTS, AND SUBPORTS

458. Customs districts and ports of entry and delivery | 459 Power to designate ports and sub-ports

458. *Customs districts and ports of entry and delivery.*

No customs officers are stationed at places marked thus (\*), and consular invoices and transportation entries should not be forwarded to such places

Districts	Ports of entry	Ports of delivery
MAINE		
Aroostook . . .	Houlton	
Passamaquoddy . .	Eastport Calais, subport of entry	* Pembroke * Robinson
Machias . . .	Machias	
Frenchmans Bay	Ellsworth Mount Desert Ferry, subport of entry	* Union River
Castine . . .	Castine	* Bluehill Deer Island Bucksport
Bangor . . . . .	Bangor . . . . . Vanceboro . . . . . Lowelltown . . . . .	* Frankfort * Hampden
Belfast . . . . .	Belfast . . . . .	* Prospect Rockport Vinalhaven North Haven Camden
Waldoboro . . . . .	Waldoboro . . . . . Rockland . . . . .	Bristol Damariscotta * Warren Thomaston * Cushing St George
Wiscasset . . . . .	Wiscasset . . . . .	Boothbay * Alma
Bath . . . . .	Bath . . . . .	* Hallowell * Pittston * Georgetown * Bowdoinham * Gardiner * Richmond
Portland and Falmouth	Portland . . . . .	* North Yarmouth * Brunswick * Freeport * Harswell

Districts	Ports of entry	Ports of delivery
MAINE—continued		
Saco	Saco . . . . .	* Searboro
Kennebunk	Kennebunk . . . . .	* Wells Kennebunk Port
York	York	
NEW HAMPSHIRE		
Portsmouth . . . . .	Portsmouth . . . . .	* Newcastle * Dover * Exeter * Kittery, Me * Berwick
VERMONT		
Vermont	Burlington, St. Albans, subport of entry Albany, subport of entry East Albany, subport of entry Swanton, subport of entry Highgate, subport of entry Franklin, subport of entry West Berkshire, subport of entry Windmill Point, subport of entry, Richford, subport of entry	
Memphremagog	Newport North Troy, subport of entry Derbyline, subport of entry, Island Pond, subport of entry Canaan, subport of entry Beecher Falls, subport of entry	
MASSACHUSETTS		
Newburyport	Newburyport . . . . .	* Amesbury * Salisbury * Haverhill * Newbury * Ipswich
Gloucester	Gloucester . . . . .	* Manchester * Rockport
Salem and Beverly	Salem . . . . .	* Danvers
Marblehead	Marblehead . . . . .	Lynn
Boston and Charlestown	Boston . . . . .	* Medford * Cohasset * Hingham * Weymouth * Cambridge * Roxbury * Dorchester Worcester
Plymouth . . . . .	Plymouth . . . . .	* Scituate * Kingston * Duxbury * Marshfield
Barnstable	Barnstable . . . . .	* Sandwich * Falmouth * Harwich * Wellfleet Provincetown Chatham Dennis
Nantucket	Nantucket	
Edgartown	Edgartown	
New Bedford . . . . .	New Bedford . . . . .	* Westport * Rochester * Wareham
Fall River . . . . .	Fall River . . . . .	* Swansea * Somerset * Freetown * Berkley, * Taunton

Districts	Ports of entry	Ports of delivery
<b>RHODE ISLAND</b>		
Newport . . .	Newport . . .	* North Kingston * Tiverton
Bristol and Warren	Bristol and Warren . . .	* Barrington
Providence . .	Providence . . .	* Pawtuxet * East Greenwich
<b>CONNECTICUT</b>		
Stonington . .	Stonington . . . . .	* Pawcatuck River
New London . .	New London . . . . .	* Norwich * Groton * Lyme
Hartford . . . .	Hartford . . . . .	* Saybrook * Enfield * Clinton * Westbrook * Old Saybrook * Essex * Chester * Haddam * East Haddam * Middletown * Chatham * Portland * Cromwell * Rockyhill * Wethersfield * Glastonbury * East Hartford * Springfield, Mass * Vernon (Rockville) * South Manchester
New Haven . . .	New Haven	* Gailford * Branford, * Milford * Derby
Fairfield	Bridgeport Stamford, subport of entry	* Norwalk * Stratford * Greenwich.
<b>NEW YORK</b>		
Sag Harbor . .	Sag Harbor . . . . .	Greenport
City of New York	New York Jersey City . . . . .	New Windsor * Newburgh * Poughkeepsie * Esopus * Kinderhook Albany * Hudson * Troy * Rhinebeck Landing Coldspring Port Jefferson Putchogue
Champlain . .	Plattsburg . . . . .	* Whitehall Fort Covington
Oswegoalehle . . .	Ogdensburg	
Cape Vincent . . .	Cape Vincent	
Oswego . . . . .	Oswego	
Genesee . . . . .	River Genesee (Rochester)	
Niagara . . . . .	Niagara Falls	
Buffalo Creek . . .	Buffalo	
Dunkirk . . . . .	Dunkirk . . . . .	* Barcelona * Silvercreek * Cattaraugus Creek Syracuse.
<b>NEW JERSEY</b>		
Newark . . . . .	Newark . . . . .	* Elizabeth

Districts	Ports of entry	Ports of delivery
NEW JERSEY—continued		
Perth Amboy .	Perth Amboy . . . .	* New Brunswick
Little Egg Harbor .	Tuckerton	* Middletown Point
Great Egg Harbor . .	Somers Point	
Bridgeton . . .	Bridgeton . . . .	* Salem
Burlington . . .	Trenton . . . . .	* Port Elizabeth
		Trenton
PENNSYLVANIA		
Philadelphia	Philadelphia .	Camden, N J
Erie . . . .	Erie . . . .	Chester
Pittsburg . .	Pittsburg	Titusville
DELAWARE		
Delaware . . .	Wilmington . . . .	* New castle
		* Port Penn
		* Delaware City.
MARYLAND		
Eastern	Crisfield . . . .	* Salisbury
Baltimore . . .	Baltimore . . . .	* Cambridge
		* Easton
		* Havre de Grace
Annapolis . . . .	Annapolis . . . . .	* Benedict
		* Lower Marlboro
		* Towson
		* Cedar Point
		* Nottingham
		* St. Marys
DISTRICT OF COLUMBIA		
Georgetown . .	Washington	
VIRGINIA		
Cherrystone . .	Cape Charles City (Eastville) . . .	* Snow Hill
		* Folly Landing
Alexandria . .	Alexandria . . . .	* Potomac
Tappahannock . .	Tappahannock . . . .	* Port Royal
		* Fredericksburg
		* Yeocomico
Newport News . .	Newport News . . . . .	Yorktown
Norfolk and Portsmouth .	Norfolk and Portsmouth . . . . .	* Suffolk
		* Smithfield
Petersburg . . . . .	Petersburg to City Point	
Richmond . . .	Richmond	
	Westpoint, subport of entry	
NORTH CAROLINA		
Albermarle . . . .	Elizabeth City	
Pamlico . . . .	Newbern . . . . .	Durham
Beaufort . . . .	Beaufort.	
Wilmington . . . .	Wilmington	
SOUTH CAROLINA		
Georgetown . . . .	Georgetown	
Charleston . . . .	Charleston	
Beaufort . . . . .	Beaufort	
GEORGIA		
Savannah . . . .	Savannah... . . . .	* Augusta.
Brunswick . . . .	Brunswick . . . . .	* Frederica
		Darien.
St. Marys . . . .	St. Marys . . . . .	Atlanta.

Districts	Ports of entry	Ports of delivery
FLORIDA		
Fernandina .	Fernandina	
St Johns . .	Jacksonville	
St Augustine	St Augustine *Jansen, subport of entry	
Key West	Key West Punta Gorda, subport of entry *Palm Beach, subport of entry Miami, subport of entry	
Tampa	Tampa	
St Marks . .	Cedar Keys Port Inglis	*St Marks *Magnolia *Ocala
Apalachicola	Apalachicola Carrabelle, subport of entry and delivery	
Pensacola	Pensacola	
ALABAMA		
Mobile . . . .	Mobile . . . .	*Montgomery
MISSISSIPPI		
Pearl River . .	Shieldsboro (Bay St Louis)	East Pascagoula (Sera- -ton) Pearlington *Ship Island
Natchez	Natchez . . . .	*Grand Gulf
Vicksburg . .	Vicksburg	
LOUISIANA		
New Orleans . .	New Orleans . . . .	Wheeling, W Va Council Bluffs, Iowa Cincinnati, Ohio Louisville, Ky St Louis, Mo Sioux City, Iowa Memphis, Tenn Evansville, Ind Burlington, Iowa Dubuque, Iowa *Leavenworth, Kans Omaha, Neb Kansas City, Mo St Joseph, Mo *Shreveport, La La Crosse, Wis Chattanooga, Tenn *Portsmouth, Ohio Paducah, Ky Lincoln, Nebr Knoxville, Tenn
Teche . . . .	Brashear (Morgan City)	
TEXAS		
Galveston .	Galveston Velasco, subport of entry Sabine Pass, subport of entry	*Houston
Saluria . . . .	Eagle Pass . . . .	San Antonio *Matagorda *Copahu. LAVACA
Corpus Christi . . . . .	Corpus Christi . . . . . Laredo, subport of entry *Rockport, subport of entry.	*Aransas
Brazos de Santiago . . . .	Brownsville	
Paso del Norte . .	El Paso	
CALIFORNIA		
San Diego . .	San Diego	
Los Angeles . . . .	Los Angeles Santa Barbara, subport of entry	

Districts	Ports of entry	Ports of delivery
CALIFORNIA—continued		
San Francisco .. ..	San Francisco. . . . . Oakland, subport of entry .. .	* Vallejo * San Luis Obispo
Humboldt. . . . .	Eureka . . . . .	Crescent City
OREGON AND WASHINGTON		
Southern district of Oregon	Coos Bay (Empire City) .. .	* Ellensburg, * Port Oxford * Gardiner
Yaquina . . . .	Yaquina .. .	* Newport
Oregon . . . .	Astoria	
Willamette . . .	Portland	
Puget Sound . . .	Port Townsend. Aberdeen, subport of entry Anacortes, subport of entry Blaine, subport of entry Everett, subport of entry Friday Harbor, subport of entry * Grays Harbor, subport of entry Danville, subport of entry New Whatcom, subport of entry Northport, subport of entry Port Angeles, subport of entry Roche Harbor, subport of entry Seattle, subport of entry Sumas, subport of entry Tacoma, subport of entry	
ALASKA		
Alaska ...	Sitka. Cooks Inlet (Homer), subport of entry Dyea, subport of entry Eagle City, subport of entry Juneau, subport of entry Karluk, subport of entry Ketchikan, subport of entry Kodiak, subport of entry Nome * Mary Island, subport of entry Orca, subport of entry St. Michael, subport of entry Skagway, subport of entry Unalaska, subport of entry Unga, subport of entry Valdez Wrangel, subport of entry	
MONTANA AND IDAHO		
Montana and Idaho ...	Great Falls . . . . .	Bonnars Ferry.
MINNESOTA		
Minnesota . . . .	St. Paul Minneapolis, subport of entry	
Duluth . . . .	Duluth	
WISCONSIN		
Milwaukee .. ..	Milwaukee . . . . .	Kenosha. Racine Sheboygan Greenbay * Depere
MICHIGAN		
Michigan . . . . .	Grand Haven .. . . .	Cheboygan Manistee Ludington Saginaw
Huron . . . .	Port Huron	
Detroit . . . .	Detroit	

## 482 PART LI.—CUSTOMS DISTRICTS, PORTS, AND SUBPORTS.

Districts	Ports of entry	Ports of delivery
MICHIGAN—continued		
Superior . . . . .	Marquette Superior, subport of entry Ashland, subport of entry Gladstone, subport of entry	Sault Ste Marie Mackinaw
Port of delivery . . . . .	“ “ “ “ “ “ “ “ “ “ “ “	Grand Rapids
INDIANA AND ILLINOIS		
Chicago .. . . .	Chicago . . . . .	Waukegan Michigan City Calo, Ill Rock Island Peoria Galena
INDIANA		
	“ “ “ “ “ “ “ “ “ “ “ “	Indianapolis
OHIO		
Miami . . . . .	Toledo	
Sandusky . . . . .	Sandusky	
Cuyahoga . . . . .	Cleveland. Conneaut, subport of entry	Fairport.
Port of delivery . . . . .	“ “ “ “ “ “ “ “ “ “ “ “	Columbus
COLORADO		
Ports of delivery . . . . .	“ “ “ “ “ “ “ “ “ “ “ “	Denver Pueblo *Durango *Leadville
ARIZONA		
Arizona . . . . .	Nogales Douglas Naco	
NORTH AND SOUTH DAKOTA		
North and South Dakota	Pembina, N. Dak. Portal, N. Dak	*Sioux Falls, S. Dak
TENNESSEE		
Port of delivery . . . . .	“ “ “ “ “ “ “ “ “ “ “ “	Nashville, Tenn
IOWA		
Port of delivery .. . . .	“ “ “ “ “ “ “ “ “ “ “ “	Des Moines, Iowa
HAWAIIAN ISLANDS		
Hawaii . . . . .	Honolulu. Hilo, port of entry and delivery Koloa, Kauai Kahului, port of entry and delivery. Lahaina, Maui Mahukona, port of entry and delivery	
Porto Rico . . . . .	San Juan Aguadilla, subport of entry Arecibo, subport of entry Arroyo, subport of entry Fajardo, subport of entry Humacao, subport of entry Mayaguez, subport of entry Ponce, subport of entry Guanica, subport of entry	



*Ports at which merchandise may be entered for transportation to other ports without appraisement under the act of June 10, 1880*

Astoria, Oreg	El Paso, Tex	Newport, Vt	Rochester, N Y
Baltimore, Md	Everett, Wash	Newport News, Va	St Albans, Vt
Bangor, Me	Fernandina, Fla	New York, N Y	San Diego, Cal
Bath, Me	Galveston, Tex	Niagara Falls, N Y	San Francisco, Cal
Beecher Falls, Vt	Gladstone, Mich	Nogales, Ariz	Sault Ste Marie, Mich
Boston, Mass	Honolulu, H I	Norfolk, Va	Savannah, Ga
Burlington, Vt	Island Pond, Vt	Ogdensburg, N Y	Seattle, Wash
Calais, Me	Key West, Fla	Pensacola, Fla	Sioux City, Iowa
Charleston, S C	Laredo, Tex	Philadelphia, Pa	Tacoma, Wash
Chicago, Ill	Los Angeles, Cal	Port Huron, Mich	Tampa, Fla
Cleveland, Ohio	Marquette, Mich	Portland, Me	Toledo, Ohio
Cetroit, Mich	Miami, Fla	Portland, Oreg	Vanceboro, Me
Duluth, Minn	Milwaukee, Wis	Port Townsend, Wash	Wilmington, N C
Eagle Pass, Tex	Mobile, Ala		
Eastport, Me	New Orleans, La		

*Ports to which merchandise may be transported without appraisement under the act of June 10, 1880*

Albany, N Y	*Enfield, Conn	Nashville, Tenn	St Joseph, Mo
Astoria, Oreg	Erie, Pa	Newark, N J	St Louis, Mo
Atlanta, Ga	Evansville, Ind	New Bedford, Mass	St Paul, Minn
Baltimore, Md	Everett, Wash	New Haven, Conn	Saginaw, Mich
Bangor, Me	Fall River, Mass	New Orleans, La	San Antonio, Tex
Bath, Me	Galveston, Tex	Newport, R I	San Diego, Cal
Boston, Mass	Gladstone, Mich	Newport News, Va	Sandusky, Ohio
Bridgeport, Conn	Grand Haven, Mich	New York, N Y	San Francisco, Cal
Buffalo, N Y	Grand Rapids, Mich	Niagara Falls, N Y	Sault Ste Marie, Mich
Burlington, Vt	Greenbay, Wis	Nogales, Ariz	Savannah, Ga
Calais, Me	Hartford, Conn.	Norfolk, Va	Seattle, Wash
Charleston, S C	Honolulu, H I	Oakland, Cal	Sioux City, Iowa
Chicago, Ill	Indianapolis, Ind	*Ocala, Fla	*South Manchester, Conn
Cincinnati, Ohio	Jacksonville, Fla	Ogdensburg, N Y	Springfield, Mass
Cleveland, Ohio	Kansas City, Mo	Omaha, Nebr	Syracuse, N Y
Columbus, Ohio	Key West, Fla	Petersburg, Va	Tacoma, Wash
Council Bluffs, Iowa	Knoxville, Tenn	Philadelphia, Pa	Tampa, Fla
Denver, Colo	Laredo, Tex	Pittsburg, Pa	Titusville, Pa
Des Moines, Iowa	*Leadville, Colo	Port Huron, Mich	Toledo, Ohio
Detroit, Mich	Lincoln, Nebr	Portland, Me	Vanceboro, Me
Dubuque, Iowa	Los Angeles, Cal	Portland, Oreg	*Vernon (Rockville), Conn
Duluth, Minn	Louisville, Ky	Portsmouth, N H	Washington, D C
Dunkirk, N Y	Marquette, Mich	Port Townsend, Wash	Wilmington, Del
*Durango, Colo	Memphis, Tenn	Providence, R I	Wilmington, N C
Durham, N C	*Middletown, Conn	Pueblo, Colo	Worcester, Mass
Eagle Pass, Tex	Milwaukee, Wis	Richmond, Va	
Eastport, Me	Minneapolis, Minn	Rochester, N Y	
El Paso, Tex	Mobile, Ala	St. Augustine, Fla	

#### List of ports at which bonded warehouses are established

Apalachicola, Fla	Ellsworth, Me	New London, Conn	Provincetown, Mass
Atlanta, Ga	El Paso, Tex	New Orleans, La	Rochester, N Y
Baltimore, Md	Erie, Pa	Newport News, Va	St Joseph, Mo
Bath, Me	Evansville, Ind	New York, N Y	St Louis, Mo
Boston, Mass	Galveston, Tex	Niagara Falls, N Y	St Michael, Alaska
Boothbay, Me	Gloucester, Mass	Ogdensburg, N Y	St Paul, Minn
Bridgeport, Conn	Grand Rapids, Mich	Omaha, Nebr	Salem, Mass
Buffalo, N Y	Great Falls, Mont	Oswego, N Y	San Diego, Cal
Cape Vincent, N Y	Hartford, Conn	Pensacola, Fla	San Francisco, Cal
Castine, Me	Indianapolis, Ind	Perth Amboy, N J	San Juan, P R
Chattanooga, Tenn	Kansas City, Mo	Petersburg, Va	Savannah, Ga
Chicago, Ill	Key West, Fla	Philadelphia, Pa	Seattle, Wash
Cincinnati, Ohio	Lincoln, Nebr	Pittsburg, Pa	Skagway, Alaska
Denver, Colo	Los Angeles, Cal	Plattsburg, N Y	Syracuse, N Y
Detroit, Mich	Louisville, Ky	Port Huron, Mich	Tacoma, Wash
Duluth, Minn	Minneapolis, Minn	Portland, Me	Tampa, Fla
Durham, N C	Mobile, Ala	Portland, Oreg	Toledo, Ohio
Eagle Pass, Tex	Newark, N J	Portsmouth, N H	
Eastport, Me	New Haven, Conn	Port Townsend, Wash	

*List of ports where the custom-house premises are used for the storage of imported goods in bond*

Aguadilla, P R	Columbus, Ohio	Milwaukee, Wis	Springfield, Mass
Albany, N Y	Fajardo, P R	Nashville, Tenn	Washington, D C
Arcebo, P R	Humacao, P R	Norfolk, Va	(Georgetown)
Arroyo, P R	Jacksonville, Fla.	Peoria, Ill	Wilmington, Del
Bangor, Me	Marquette, Mich	Ponce, P R	
Charleston, S C	Mayaguez, P R	Providence, R I	
Cleveland, Ohio	Memphis, Tenn	Sandusky, Ohio	

459 *Power to designate ports and subports*

Mar 16, 1896

Such other places [in Alaska] as may be designated by the Secretary of the Treasury, as the interests of commerce may require, shall be subports of entry or delivery or both; and customs officers shall be stationed at such subports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

Feb 14, 1903  
Sec 10May 22, 1896  
Sec 2

Such other places in the State of Colorado as the Secretary of the Treasury may designate from time to time shall be ports of delivery, with all the privileges now accorded by law to the port of Denver, Colorado, the surveyor of customs of which port shall supervise the customs business transacted at such places in the same manner and to the same extent as at Denver.

June 10, 1896

Such places in the collection districts in the State of Florida as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as, in the judgment of the Secretary of the Treasury, the exigencies of commerce may require.

Feb 14, 1903  
Sec 10Aug 28, 1890  
Sec 2Feb 14, 1903  
Sec 10

Mar 3, 1901

Such other ports as the Secretary of the Treasury shall from time to time designate shall be subports of entry [Puget Sound] and customs officers shall be, &c., &c.

Feb 14, 1903  
Sec. 10

Such places in the customs district of the Territory of Hawaii as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require: *Provided, however,* That the Secretary of the Treasury be, and he is hereby, authorized and empowered to discontinue such subports of entry or delivery whenever in his judgment there is necessity for such action.

April 12, 1890  
Sec 4Feb 14, 1903,  
Sec 10,

The Secretary of the Treasury shall designate the several ports and subports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents and assistants as he may find it necessary to employ to carry out the provisions hereof. \* \* \*

## PART LII.—CONSULATES OF THE UNITED STATES.

### 460. *Consulates of the United States*

#### SCHEDULE B

##### I—*Consulates General*

Antwerp	Constantinople	Mexico	St. Gall.
Apia	Dresden	Mourovia	St. Petersburg
Bangkok	Frankfort	Monterey	San Salvador
Barcelona	Guatemala	Montreal	Santo Domingo
Berlin	Guayaquil	Munich	Seoul
Bogotá	Habana	Ottawa	Shanghai
Cairo	Halifax	Panama	Singapore
Calcutta	Hongkong	Paris	Stockholm
Canton	London (England)	Rio de Janeiro	Tangier
Cape Town	Marseilles	Rome	Vienna
Christiana	Melbourne	Rotterdam	Yokohama
Coburg			

##### II—*Consulates*

Acapulco	Colon	Lucerne	St. Etienne
Aden	Copenhagen	Lyon	St. Helena
Aix la Chapelle	Cork	Magdeburg	St. John (N. B.)
Alexandretta	Crefeld	Mainz	St. John's (N. F.)
Algiers	Curaçao	Malaga	St. John's (Quebec)
Amherstburg	Dawson City	Malta	St. Michael
Amoy	Demerara	Managua	St. Stephen
Amsterdam	Dublin	Manchester	St. Thomas (Ontario)
Annaberg	Dundee	Mannheim	St. Thomas (West Indies)
Antigua	Dunfermline	Maracaibo	Salt Lake
Asuncion	Durango	Martinique	San José
Athens	Düsseldorf	Matamoros	San Juan del Norte
Auckland	Edinburgh	Mazatlan	Santiago de Cuba
Bahia	Essen	Messina	Santos
Bamberg	Erzerum	Milan	Sheffield
Barbados	Florence	Montevideo	Sherbrooke
Barren	Fort Erie	Moscow	Sierra Leone
Barraquilla	Freiburg	Nagasaki	Siya
Basel	Funchal	Nankin	Smyrna
Beirut	Genoa	Nantes	Solingen
Belfast	Genoa	Naples	Southampton
Bellze	Ghent	Nassau	Stettin
Berne	Gibraltar	Newcastle-on-Tyne	Stratford
Birmingham	Glasgow	Niagara Falls	Stuttgart
Bombay	Glauchau	Nico	Swansea
Bordeaux	Göthenburg	Niuchwang	Sydney (New South Wales)
Bradford	Grenoble	Nogales	Sydney (Nova Scotia)
Bremen	Guadeloupe	Nottingham	Tamatave
Breslau	Guelph	Nuevo Laredo	Tampico
Bristol	Hamburg	Nuremberg	Tamsui (Formosa)
Brockville	Hamilton (Bermuda)	Odesa	Teneriffe
Brunswick	Hamilton (Ontario)	Orilia	Teguigalpa
Brussels	Hankau	Palermo	Three Rivers
Budapest	Hanover	Para	Tientsin
Buenos Ayres	Harput	Patras	Toronto
Cadiz	Havre	Peinambuco	Trieste
Calais	Huddersfield	Plauen	Trinidad (Island)
Callao	Hull	Port Hope	Tunstall
Cardiff	Jerusalem	Port Limer	Valencia
Cartagena (Colombia)	Kehl	Port Louis	Valparaiso
Catania	Kingston (Jamaica)	Port Sarnia	Vancouver
Ceylon	Kingston (Ontario)	Port Stanley (F. I.)	Venice
Charlottetown	Kobe	Prague	Veracruz
Chatham	La Guaira	Prescott	Victoria
Chefoo	La Rochelle	Proctoria	Weimar
Chemnitz	Leeds	Progreso	Windsor (Ontario)
Chihuahua	Leghorn	Puerto Cabello	Winnipeg
Chenfigos	Leipzig	Puerto Cortez	Woodstock
Ciudad Juarez	Liege	Quebec	Yarmouth
Ciudad Porfirio Diaz	Liverpool	Reichenberg	Zanzibar
Coaticook	London (Ontario)	Rheims	Zittau
Collingwood	Lourenço Marques	Rosario	Zurich
Cologne		Roubaix	

## III.—Commercial Agencies

Castellamare di Stabia Cornwall Goderich	Limoges St. Hyacinthe	St. Christopher St. Pierre	Vladivostok Wallaceburg
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## SCHEDULE C

## Consulates and Commercial Agencies

Batavia Cape Haitien Ceiba	Gaspé Basin Riga. Rouen	Stanbridge Tahiti Turin	Uvilla Windsor (Nova Sco')
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## CONSULATES AND COMMERCIAL AGENCIES NOT INCLUDED IN SCHEDULES B OR C

## I.—Consulates

Alicante Antofagasta Arica Bagdad. Batum Belgrade Belleville Bergen Bukharest.	Carthagenia (Spain) Colonía Cordoba Corunna Falmouth Gorée Dakar Helsingfors Hobart Iquique	La Paz (Bolivia) La Paz (Mexico) Lisbon Madrid Maskat Medellin Newcastle (N S W ) Plymouth Port au Prince	Puerto Plata St. Martin Teheran Tunis Turks Island Tuxpan Warsaw
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## II.—Commercial Agencies

Agua Calientes Campbellton Carlsbad Chaudiere Junction Elbenstock	Manzanillo Moncton Nouméa Paysandu	Port Antonio Port Rowan Rimouski Saigon	St. George Samana. Sault Ste. Marie Suva
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## CONSULATES OF THE UNITED STATES, BY COUNTRIES

ARGENTINE REPUBLIC	CHILE	CUBA	Cognac
Bahía Blanca	Antofagasta	Cienfuegos	Dieppe
Buenos Ayres	Arica	Habana	Dijon
Cordoba	Caldera	Santiago de Cuba	Dunkirk
Rosario	Coquimbo		Gorée Dakar, Africa
	Coronel	DENMARK AND DOMIN- IONS	Grenoble
AUSTRIA-HUNGARY	Iquique	Guadeloupe, W I	
Brünn	Punta Arenas	Havre	
Budapest, Hungary	Talcahuano	Honfleur	
Carlsbad, Austria	Valparaiso	Christiansted, St Croix	La Rochelle
Fiume		Island	Lille
Halda	CHINA	Copenhagen	Limoges
Prague, Austria	Amoy	Fredericksted, St Croix	Lorient
Reichenberg, Austria	Canton	Island	Lyons
Trieste, Austria	Chefoo	St Thomas, W I	Marseilles
Vienna, Austria	Fuchau	DOMINICAN REPUBLIC	Martinique, W I
	Hankau	Azua	Mentone
BELGIUM	Nankin	Macoris	Monaco
Antwerp	Niuchwang	Monte Christi	Nantes
Brussels	Shanghai	Puerto Plata	Nice
Charleroi	Tientsin	Samana	Nouméa, N C
Ghent		Sanchez	Oran
Lidge	COLOMBIA.	Santo Domingo	Paris
Verviers			Pau
		ECUADOR	Rennes
			Rheims
			Roubaix
			Rouen
BOLIVIA.	Barranquilla.	Bahía de Caraquez	Saigon, Cochín China
	Bocas del Toro.	Esmeraldas	St. Etienne
	Bogotá	Guayaquil	St. Malo
La Paz	Bucaramanga	Manta.	St. Nazaire
	Call		St. Pierre, St. Pierre Is- land
BRAZIL	Cartagena	FRANCE AND DOMINIONS	Tahiti, Society Islands.
Aracaju	Colon		Tamatave, Madagascar
Bahía	Cucuta	Algiers, Africa	Toulon.
Ceara	Honda	Angers	Troyes
Maceio	Medellin	Bastia, Corsica	Tunis, Africa
Manaos	Panama	Bone	
Maranhão	Quibdo	Bordeaux	
Natal	Santa Marta.	Boulogne-sur-mer	
Para		Brest	GERMANY
Pernambuco	COSTA RICA	Calais	Aix la Chapelle
Rio de Janeiro		Cannes	Annaberg
Rio Grande do Sul	Port Lumon	Caudry	Apia, Samoa
Santos	Punta Arenas	Cette	Angsburg
Victoria	San José.	Cherbourg	Bumberg

Barmen	Campobello Island	Launceston	Sherbrooke, Quebec
Berlin	Cape Canso	Lelcester	Sierra Leone, Africa
Brake and Nordenhamm.	Cape Town, Cape of G H	Lethbridge, Alberta	Singapore, S S
Bremen	Cardiff, Wales	Leeds, England	Sora
Bremerhaven-Geste	Carlisle	Linboro,	Souls.
munde	Cayenne	Lindsay,	Southampton, England
Breslau	Cey on (island)	Limerick	Stanbridge, Quebec
Brunswick	Christ Church,	Liverpool	Stanstead
Cassel	Chitagon	Liverpool, England	Stratford, Ont.
Chemnitz	Charlottetown, P E I	Llanely,	St Andrews
Coburg	Chatham, Ont	Lockport	St Ann's Bay
Cologne	Chaudiere Junction, Que-	London, England	St Catharines
Crefeld	bec	London, Ont	St Christopher, W I
Danzig	Chemainus	Londonderry	St George
Dresden	Chesverie	Louisburg	St George, Bermuda
Düsseldorf	Clarenceville	Lunenburg	St Helens
Elbenstock	Clinton	Lurgan	St Helena (Island)
Essen	Coaticook, Quebec	Madras	St Hyacinthe, Quebec,
Frankfort,	Cockburn Harbor	Malta (Island)	St Johns, N F,
Freiburg, Baden	Collingwood, Ont	Manchester, England	St John, N B
Gera	Cork (Queenstown)	Mathewtown.	St Johns, Quebec
Glauchau,	Cornwall, Ont	Megantic	St Lucia
Hamburg	Coteau	Melbourne, Australia	St Stephen, N B
Hanover	Courtwright	Midland	St Thomas, Ont
Kehl.	Cookshire	Millford Haven	St Vincent
Kiel	Cumberland	Moncton, N B	Summerside.
Königsberg	Dartmouth	Montego Bay	Sudbury
Langen Schwalbach	Dawson City, Yukon T'y	Montreal, Quebec	Sunderland
Leipzig	Deloraine	Montserrat	Suva, Fiji Islands
Lübeck	Demerara, Guiana	Moulmein	Swansea, Wales
Magdeburg	Derby	Naimo	Sydney, N S
Mainz	Deseronto	Napuce	Sydney, N S W
Mannheim	Digby	Nassau, N P	Three Rivers, Quebec
Markneukirchen	Dover	Nelson	Toronto, Ont
Munich	Dublin, Ireland	Nevis	Townsville, Queensland
Neustadt	Dundee, Scotland	Newcastle,	Trenton
Nuremberg	Dunedin	Newcastle, N S W	Trinidad, W. I
Plauen	Dunfermline, Scotland	Newcastle-on-Tyne, Eng-	Troon
Ritzbuttel und Cuxha-	Dunmore Town	land	Tunstall, England
ven	Durban	Newport	Turks Island, W I
Solingen.	East London	Niagara Falls, Ont	Victoriaville
Sonneberg	Edinburgh, Scotland	Norfolk Island	Victoria, B C
Sorau	Edmunston	North Bay, Nipissing	Vancouver, B C
Stettin	Emerson	North Portal, Assiniboia	Wallaceburg, Ont
Statgart	Falmouth, England	Nottingham, England.	Waterford
Swinemünde	Fertie	Orlila, Ont	Waterloo
Weimar	Fort Erie, Ont	Ottawa, Ont	West Hartlepool
Wiesbaden	Fort Elizabeth	Owen Sound	Wellington
Zittau	Fort William, Ont	Palmerston	Weymouth
	Fredericton	Pamarrilbo.	Wlarton
	Fremanlle.	Paris	Windsor, N S
	Galashiels	Paraboro	Windsor, Ont
	Gait	Parry Sound	Winnipeg, Manitoba
	Galway	Paspheiac	Wolverhampton
Aberdeen	Gaspé Basin, Quebec	Penang	Woodstock, N B
Adelaide	Georgetown	Peterborough	Yarmouth, N S
Aden, Arabia	Gibraltar	Pictou	
Akyab	Glasgow, Scotland	Plymouth, England	
Alberton.	Goucester	Point de Galle	
Albert Town	Goderich, Ont	Port Antonio, Jamaica.	Athens
Amherstburg, Ont	Governors Harbor	Port aux Basques	Corfu
Annapolis	Grand Manan	Port Hayksbury and Patras	Piræus.
Angua, W I	Grenada	Mulgrave	
Archat	Grenville	Port Hope, Ont	
Arnrior	Gretna	Port Louis, Mauritius	GUATEMALA.
Athlone	Guernsey	Port Maria	Champerico
Auckland, N Z	Greenock	Port Morant	Guatemala
Ballymena	Green Turtle Cay	Port Rowan, Ont	Livinston
Barbados, W I	Hahfax, N S	Port Sarnia, Ont	Ocos
Barnsley	Hamilton, Bermuda	Port Stanley, F I	San Jose de Guatemala
Barrie	Hamilton, Ont	Portsmouth.	
Barrington	Hereford	Prescott, Ont	HAITI
Bassein	Hemmingford	Pretoria, South Africa.	
Bathurst	Robert, Tasmania	Pugwash and Wallace	Aux Cayes
Bay Bulls	Hotelida	Quebec	Cape Haitien
Belfast, Ireland	Holyhead, Wales	Rangoon	Caïnes.
Belize, Honduras	Hongkong, China	Ral Portage, Ont	Juncel
Belleville, Ont	Huddersfield, England	Redditch	Jeremie
Birmingham, England	Hull, England	Richibucto	Miragoane
Black River	Huntingdon	Rimouski, Quebec	Port au Prince
Bloemfontein	Jersey	River Hebert	Port de Paix
Bombay, India	Johannesburg	Roseau, Dominica	Petit Goave
Bradford, England	Karachi	Rossland	St Marc
Brantford.	Kidderminster	Salt Cay	
Bridgewater	Kingston, Jamaica	Sault Ste Marie, Ont	HONDURAS
Brisbane, Queensland	Kingston, Ont	Savannah-la-Mar	
Bristol.	Kingsport	Scilly Islands	Amapala
Brockville, Ont.	Kimberley	Sheffield, England	Bonacca
Cabano	Kirkcaldy	Shelburne	Celba

Puerto Cortez	Nogales	Oporto	Göthenburg, Sweden
Ruatan	Nuevo Laredo	San Jorge	Helsingborg
San Pedro Sula	Oaxaca	Setubal	Malmö
Tegucigalpa	Parral.	St Michaels, Azores	Stavanger
Truxillo.	Progreso	St Vincent, C V I	Stockholm, Sweden
Udilla	Puebla	Terceira	Sundsvall
ITALY	San Jose		
Ancona	San Luis Potosi	ROMANIA	SWITZERLAND
Bar	Saltillo	Bukharest,	Aarau
Bologna	Sierra Mojada		Basel
Cagliari	Tampico	RUSSIA	Berne
Capri	Tlacoctapan	Abo	Chaux de-Fonds
Carini	Torreón	Batum	Geneva
Carrara	Tuxpan	Cronstadt	Lucerne
Castellamare di Stabia.	Veracruz	Dalney	St. Gall
Catania	Victoria	Helsingfors	Vevey.
Civita Vecchia	Zacatecas	Libau	Winterthur
Florence	MOROCCO	Moscow.	Zurich
Genoa	Casa Bianca	Odessa	TURKEY AND DOMINIONS
Girgenti	Mogador	Revel	Aleppo
Leghorn	Tangier.	Rostoff and Taganrog	Alexandretta, Syria
Licata.	NETHERLANDS AND DOMINIONS	Riga	Alexandria
Messina	Amsterdam	St Petersburg	Assiout
Milan.	Batavia, Java	Vladivostock	Assuan
Naples.	Buen Ayre	Warsaw	Bagdad
Palermo	Curacao, W I	Wiborg	Bassorah
Reggio, Calabria	Flushing	SALVADOR	Beirut, Syria
Rodi	Macassar, Celebes	Acajutla	Cairo, Egypt
Rome	Padang, Sumatra.	La Libertad	Constantinople
San Remo	Rotterdam	La Union	Damascus
Sorrento	Samarang	San Salvador	Dardanelles
Trapani	Schiedam		Erzerum
Trieste	Serabaya	SERBIA	Haifa
Venice	St Eustatius	Belgrade	Harput
JAPAN	St. Martin, W. I	SIAM	Jerusalem, Syria
Kobe	NICARAGUA	Bangkok	Luxor
Nagasaki	Bluefields		Mersine
Tamsui, Formosa	Corinto	SPAIN AND DOMINIONS	Minieh
Yokohama	Managua	Algeciras	Myitiene
KOREA	Matagalpa	Alicante	Port Said
Seoul	San Juan del Norte	Almeria	Saloniki
LIBERIA	San Juan del Sur	Barcelona	Samsoun
Monrovia	PARAGUAY	Bilbao	Sivas
MASKAT	Asuncion	Cadiz	Smyrna
Maskat	PERBIA	Carthagena	Suez
MEXICO	Teheran	Corunna	Trebizond
Acapulco	PERU	Denia	Tripoli
Agua Calientes	Callao	Gijon	Yafa
Campeche	Chilayo	Grand Canary	URUGUAY
Chihuahua	Mollendo	Huelva	Colonia
Ciudad Juarez	Falta	Jeres de la Frontera	Montevideo
Ciudad Porfirio Diaz	Salaverry	La Palma	Paysandu
Coahuacalcos	Tumbez	Madrid	VENEZUELA
Durango	PORTUGAL AND DOMINIONS	Malaga	Barcelona
Ensenada	Beira	Fort St. Marys	Caracas
Frontera	Brava, C V I	San Felix de Guixols	Carupano
Guadaluajara	Faro	Santander	Ciudad Bolivar
Guanaquato	Fayal	Seville	Coto
Guaymas.	Flores	Tarragona	Cumana
Laguna de Terminos	Funchal, Madeira	Teneriffe, Canary Islands	La Guaira
La Paz	Lisbon	Valencia	Maracaibo
Manzanillo	Lourenço Marquez	Vigo.	Puerto Cabello
Matamoras		SWEDEN AND NORWAY	San Cristobal
Mazatlan		Arendal	Tovar
Mexico		Bergen, Norway	Valencia
Monterey		Christiania, Norway	Valera
		Christiansand	ZANZIBAR
		Drontheim	Zanzibar

# INDEXES.

## TABLES OF LAWS INCLUDED IN THIS VOLUME.

The following table gives the sections of the Revised Statutes, with dates of amendatory acts, included in this compilation, with the page of this volume on which they may be found

The table beginning at page 499 gives the dates of acts and parts of acts subsequent to the Revised Statutes (December 1, 1873), with dates of amendatory acts, included in this compilation, with the page of this volume on which they may be found

Section Revised Statutes	Page of this volume	Enacted—	Amended—	Section Revised Statutes	Page of this volume	Enacted—	Amended—
8	17	July 18, 1860		1431	215	Feb 20, 1846	
		June 29, 1870		1586	369	Dec 22, 1837	
431	270	June 21, 1868		1580	400	July 18, 1861	July 1, 1902
432	370	do . . .				July 14, 1862	
435	371	Sept 28, 1850		1581	400	July 18, 1861	Do
728	93	Aug 8, 1846	May 28, 1896			Apr 17, 1862	
780	412	Apr 30, 1790		1707	214	Apr. 14, 1792	
		Apr 20, 1818		1708	214	Aug 18, 1866	Feb 14, 1903
		May 15, 1820		1718	214	. do . . .	June 26, 1884
		Mar. 8, 1825				.. do . . .	Feb 14, 1903
		Mar 3, 1847		1719	215	Aug 5, 1861	
				1720	215	June 20, 1864	
734	408	Sept 24, 1789		1721	215	July 27, 1868	
		July 13, 1861		1964	247	.. do . . .	Mar 2, 1889
		Aug 6, 1861		1966	258	Mar 8, 1889	Mar 8, 1889
		June 30, 1864				Feb 14, 1903	Feb 14, 1903
		July 18, 1866				Mar. 3, 1899	Mar. 3, 1899
		Mar 2, 1867				Feb 14, 1903	Feb 14, 1903
851	93	Feb 26, 1858				Mar. 3, 1899	Mar. 3, 1899
923	408	Aug 4, 1790		1958	249	Feb 14, 1903	Feb 14, 1903
		Dec 31, 1792				Mar. 3, 1899	Mar. 3, 1899
		Feb 18, 1793		1959	249	Feb 14, 1903	Feb 14, 1903
		Mar 2, 1799				Mar 3, 1899	Mar 3, 1899
939	408	Aug 4, 1790				Feb 14, 1903	Feb 14, 1903
		Dec 31, 1792		1960	259	Mar 24, 1874	Mar 24, 1874
		Feb 18, 1793				Mar 8, 1899	Mar 8, 1899
		Mar 2, 1799				Feb 14, 1903	Feb 14, 1903
940	409	Aug 4, 1790		1961	259	Mar 3, 1899	Mar 3, 1899
		Dec. 31, 1792		1963	259	Feb 14, 1903	Feb 14, 1903
		Feb. 18, 1793		1964	260	Do	Do
		Mar 2, 1799		1965	260	Do	Do
		Apr 5, 1832					
941	108	Aug 4, 1790	Mar 3, 1899	1966	260	.. do	
		Dec 31, 1792		1967	260	.. do	
		Feb 18, 1793		1968	261	.. do . .	
		Mar 2, 1799		1969	261	.. do . . .	
		Mar 8, 1847				.. do . . .	
970	409	Mar 2, 1799		1970	261	.. do	Do
		Feb 24, 1807				.. do	Do
971	409	Mar 2, 1799		1971	261	.. do . .	
978	409	July 22, 1813		1973	468	Mar 5, 1872	Do
979	410	...do . . .		1974	468	.do . .	

## Tables of laws included in this volume—Continued

Section Revised Statutes	Page of this volume	Enacted—	Amended—	Section Revised Statutes	Page of this volume	Enacted—	Amended—
1975	469	Mar 5, 1892		2642	443	Mar 2, 1799	
1976	469	...do . .		2643	443	May 7, 1822	
2158	296	Feb 19, 1862	Mar 3, 1876	2644	443	Mar 3, 1863	
		Feb 9, 1869		2645	443	Feb 11, 1846	
2159	296	Feb 19, 1862		2646	443	July 28, 1866	Feb 14, 1903
		Feb. 9, 1869		2647	443	Mar 3, 1841	Do
2160	296	Feb 19, 1862				Mar 3, 1867	
2161	296	Feb 19, 1862	June 23, 1874			July 18, 1866	
2162	297	do . .	Mar 3, 1875	2648	444	July 14, 1882	
2163	297	..do . .		2649	467	May 12, 1870	Aug 15, 1876
2164	297	May 31, 1870					Mar 3, 1891
2174	59	June 7, 1872					Feb 14, 1903
2497	148	Mar 1, 1817	July 24, 1897	2651	468	... do . .	Aug 15, 1876
2502	149	June 30, 1864	Aug. 27, 1894	2652	468	Aug 30, 1842	
			July 24, 1897	2653	468	July 18, 1866	
2507	213	Mar 3, 1843	Aug. 27, 1894	2747	309	Mar 2, 1799	
			July 24, 1897			Mar 3, 1845	
2511	213	Feb 19, 1869	Aug 27, 1894	2748	459	July 20, 1868	
2513	212	June 8, 1872	Aug 27, 1894			Mar 2, 1799	
			July 24, 1897	2749	460	Apr 20, 1866	
			Feb 14, 1903	2750	460	July 25, 1861	July 31, 1876
2514	213	do	Aug 27, 1894	2751	460	Feb. 4, 1863	June 4, 1897
			July 24, 1897			....do . . . .	
2520	186	May 10, 1800		2752	462	Mar 2, 1855	
2524	186	Feb 25, 1801		2753	462	Feb 28, 1867	Aug 18, 1894
2537	186	Jan. 26, 1848		2754	463	Feb 1, 1863	
2540	186	do		2755	463	Feb 28, 1867	
		Aug 31, 1852		2756	463	Mar 2, 1799	
2554	188	May 20, 1824		2757	463	do	
		May 28, 1830		2758	309	July 25, 1861	
2581	186	June 16, 1860	Feb 14, 1903	2759	309	July 15, 1870	
2588	187	June 14, 1870		2760	309	Mar 2, 1799	
2589	188	do		2761	463	do	
2590	187	do		2762	463	do	
2621	438	Mar 2, 1799		2763	309	do	
2622	438	do		2764	309	do	
2623	438	do		2765	309	do	
2624	439	do		2766	169	June 22, 1874	
2625	439	do		2767	169	do	
2626	439	do		2768	169	do	
2627	439	do		2769	169	Mar 2, 1799	
2628	440	do		2770	170	do	
2629	440	do		2771	170	do	
2630	440	do				Apr 24, 1816	
		Mar 3, 1817				May 7, 1822	
2631	440	Mar 3, 1873				Feb 22, 1827	
2632	441	Mar 2, 1799				Feb 13, 1837	
2633	441	July 18, 1866		2772	170	Mar 2, 1799	
		July 27, 1868				May 10, 1800	
2634	441	May 7, 1822				Feb 25, 1867	
2635	441	Mar. 2, 1799		2773	171	Mar 2, 1799	
2636	441	do		2774	170	do	
2637	441	do		2775	171	do	
2638	442	do				May 1, 1872	
2639	442	do		2776	172	Mar 2, 1799	June 26, 1884
		Mar. 8, 1849	July 31, 1894			Feb. 22, 1866	Feb 14, 1903
2640	442	Mar 2, 1799	Feb 14, 1903	2777	172	Mar 2, 1799	
2641	443	May 7, 1822	Do	2778	172	do	
				2779	173	do	



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2781	173	do . .		2827	189	.do . .	
2782	174	do . .		2828	189	.do . .	
2783	174	do . .		2829	185	.do . .	
2784	174	do . .		2830	189	.do . .	
2785	174	do . .		2831	189	.do . .	
2786	175	do . .		2832	185	June 30, 1834	
2787	175	do . .				July 7, 1838	
2788	175	do . .		2833	185	June 30, 1834	
2789	175	do . .		2834	183	Mar 2, 1799	Mar 3, 1897
2790	165	do . .		2836	185	Mar 3, 1801	
2791	175	do . .		2867	191	Mar 2, 1799	
2792	176	June 4, 1872		2868	191	.do . .	
2793	176	Feb 10, 1871		2869	190	.do . .	June 5, 1894
2794	176	Mar 2, 1799		2870	190	.do . .	
2795	176	do . .	Mar 3, 1897	2871	191	Mar 3, 1873	Feb, 14, 1903
2796	176	do . .		2872	192	Mar 2, 1799	June 26, 1884
2797	177	do . .					Feb 11, 1903
2798	177	July 7, 1838		2873	192	.do . .	
2799	177	Mar 2, 1799		2874	192	.do . .	
		Mar 3, 1823		2875	192	do . .	
2800	178	Mar 2, 1799		2876	193	.do . .	
2801	178	.do . .		2877	193	.do . .	
2802	178	.do . .		2878	193	.do . .	
2803	177	June 30, 1864	June 10, 1890	2879	194	.do . .	
2804	179	July 28, 1866	Aug 27, 1894	2880	194	.do . .	Mar 9, 1896
2805	179	Mar 2, 1799	Sept 30, 1890			Mar 2, 1861	
2806	180	do . .		2881	195	Mar 2, 1799	June 3, 1892
2807	180	.do . .	June 3, 1892	2882	195	.do . .	
2808	181	.do . .		2883	195	.do . .	
2809	181	.do . .		2884	196	.do . .	
2810	181	.do . .		2885	196	.do . .	
2811	181	.do . .				July 14, 1832	
		July 18, 1866		2890	196	Mar 2, 1799	
2812	182	Mar 2, 1799		2887	197	.do . .	
2813	182	.do . .		2888	197	.do . .	
2814	182	.do . .		2889	198	.do . .	
2815	182	do . .		2890	198	.do . .	
2816	183	Mar 2, 1867		2891	198	.do . .	
2817	183	Mar 2, 1857		2892	199	.do . .	
2818	183	Aug 8, 1854		2893	199	.do . .	
2819	184	.do . .		2894	199	.do . .	
2820	184	Mar 3, 1857		2895	199	Feb 14, 1805	
		Jan 27, 1858		2896	199	Mar 2, 1799	
		Feb 27, 1877		2906	203	Aug 3, 1854	June 26, 1884
2821	184	July 14, 1870		2907	187	Sept 28, 1850	
2822	184	Mar 2, 1831	Feb 14, 1903	2908	187	Mar 2, 1867	
		Sept 28, 1850		2960	195	Mar 2, 1799	
2823	184	Mar 2, 1831		2981	211	Mar 2, 1867	May 21, 1896
		Sept 28, 1850					Feb 14, 1903
		Aug 31, 1852		2982	400	July 14, 1862	
		Feb 2, 1854		2998	200	July 14, 1870	
		Aug 2, 1854		2999	469	Mar 28, 1854	Do
		Mar 11, 1864		3000	200	.do . .	Do
		July 1, 1864		3001	200	.do . .	Do
		July 7, 1870				July 14, 1862	
		July 11, 1870		3002	201	Mar 8, 1845	Do.
		July 14, 1870				Aug 30, 1852	
2825	185	Mar 2, 1831	Mar 3, 1897				

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3004	201	Apr 30, 1872		3103	219	do .	Feb 14, 1903
3005	202	July 28, 1886	May 21, 1900 Feb 14, 1903	3104	219	do .	
3006	202	July 28, 1866	. Do	3105	219	do .	
3007	202	June 4, 1872	Do	3106	219	. do .	
3008	202	Mar 3, 1845 Aug 30, 1852		3109	220	July 18, 1866	Feb 17, 1898 Feb. 14, 1903
3035	173	Mar 2, 1799		3110	216	.do	
3036	173	Mar 1, 1823 Feb 2, 1831		3111	220	.do	
3058	206	Mar 2, 1799	Feb 23, 1887	3112	220	July 18, 1866 Feb 10, 1871	
3059	188	July 18, 1866		3113	221	July 18, 1866 Feb 10, 1871	
3060	188	do .		3114	221	July 18, 1866	
3063	162	. do . . .	Feb 8, 1881	3115	221	do .	
3067	168	Mar 2, 1799		3116	222	July 1, 1870	
3068	169	. do . .		3117	222	.do	
3069	169	do		3118	222	. do .	
3070	194	. do .		3119	222	.do .	
3071	169	July 18, 1866		3120	223	July 18, 1866	Do
3072	169	Mar 2, 1799		3121	223	July 1, 1870	
3073	169	do . . .		3122	223	.do	
3074	169	Apr 2, 1844 Aug 8, 1848 Feb 28, 1866 July 18, 1866 July 28, 1866		3123	223	do .	
3075	160	Apr 2, 1844 Feb 28, 1866 July 18, 1866		3124	224	do	Do
3076	160	Apr 2, 1844 July 18, 1866		3125	224	.do	
3077	160	Apr 2, 1844 July 18, 1866		3126	224	May 27, 1848	
3078	161	do .	Feb 14, 1903	3127	224	do	
3079	161	Apr 2, 1844 July 18, 1866	Do	3128	224	Mar 3, 1817	
3080	161	. do .		3129	225	Sept 26, 1850	Do
3081	162	Mar 3, 1863		3909	302	June 8, 1872	
3082	208	Mar 2, 1799 July 18, 1866		3970	302	do	
3083	162	May 20, 1880		3976	302	. do	June 26, 1884
3084	162	July 18, 1866 Mar 3, 1873		3977	302	. do . . .	
3085	163	July 18, 1866 Mar 3, 1873		3978	302	do .	
3086	162	July 18, 1866		3987	302	do	
3087	163	Mar 2, 1799		3988	305	do	
3088	163	July 18, 1866		3989	303	do	
3089	168	Mar 2, 1799		3990	303	.do	
3094	168	. do . . .		3991	303	. do	
3095	216	.do .		3992	303	. do	
3096	216	.do .		4006	303	.do . .	
3097	217	.do		4007	304	. do .	
3098	217	Mar 2, 1821 July 18, 1866		4008	304	. do .	
3099	217	Mar 2, 1821 Mar 3, 1823 July 18, 1866		4009	304	. do . . .	
3100	218	June 27, 1864		4010	304	do	
3101	218	. do . . .		4011	304	. do . .	
				4012	304	.do	
				4015	305	. do .	
				4021	305	do .	
				4022	305	. do .	
				4023	305	. do . .	
				4079	31	June 11, 1864	
				4080	92	. do .	May 28, 1896
				4081	92	. do . .	
				4131	17	Dec 31, 1792	Do

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4185	17	Feb 10, 1866		4177	20	July 28, 1866	Do June 19, 1886
4186	18	Dec 23, 1852 July 23, 1866	July 5, 1884	4178	21	Dec 31, 1792	June 26, 1884 Feb 21, 1891 Jan 20, 1897
4187	37	Mar 3, 1825					Mar 2, 1881
4188	37	.. do .		4179	21	May 5, 1864	July 5, 1884 Feb. 14, 1903
4189	37	do .	June 21, 1902				
4141	33	Dec 31, 1792		4180	49	Dec 31, 1792	
4142	32	do		4181	49	do ..	
		July 29, 1850		4182	49	do ..	July 5, 1884
4143	33	Dec 31, 1792		4183	50	..do ..	Do
4144	33	do ..		4184	50	..do ..	
4146	36	do	Jan 16, 1895 Feb 14, 1908	4187	50	.. do .	
4147	33	do		4188	51	..do ..	
4148	23	do		4189	51	July 18, 1866	
		May 6, 1864		4190	51	Mar 26, 1810	
4149	23	Dec 31, 1792		4191	51	Mar 2, 1803	
4150	23	May 6, 1864		4192	39	July 29, 1850	
4151	24	Feb 28, 1865		4193	39	.. do	June 19, 1886
4152	31	May 6, 1864				Mar 3, 1865	
4153	24	do .		4194	39	July 29, 1850	Do
	26	do .	Mar 2, 1895	4195	40	do ...	
	27	..do .	Aug 5, 1882 Mar 2, 1895 Mar 8, 1897	4196	40	.. do ..	
	28	do	Mar 2, 1895	4197	150	Mar 2, 1799	Apr 29, 1902
	29	do	Do	4198	150	..do	Do
	30	do	Aug 5, 1882 June 19, 1886 Mar 2, 1895 Feb 14, 1908	4199	151	..do	Do
				4200	151	Feb 10, 1820	Do
				4201	152	Mar 2, 1799	Do
				4202	152	do ...	Do
				4203	153	July 4, 1864	
4154	31	Mar 2, 1799	Aug 5, 1882 Feb. 14, 1908	4205	153	Mar 3, 1833	
4155	36	Dec 31, 1792 July 29, 1850	Jan 16, 1895	4206	153	Mar 2, 1799	June 19, 1886
4156	36	Dec 31, 1792		4207	153	Aug 18, 1856	
4157	36	Mar 3, 1813	Feb 14, 1908	4208	153	Mar 3, 1817	
4158	36	Dec 31, 1792	July 5, 1884 Feb 14, 1908	4209	155	May 6, 1822	
4159	33	..do .		4210	155	Mar 3, 1817	
4160	34	do		4211	155	do .	
4161	34	do ..				Aug 23, 1842	
4162	34	do		4212	155	Aug 18, 1856	June 26, 1884 Feb 14, 1903
4163	35	do ...		4214	19	Aug 7, 1848	Mar 3, 1883
4164	37	Mar 2, 1797	July 5, 1884			June 29, 1870	Jan 16, 1895 Feb 14, 1903
4165	18	June 27, 1797 Mar 27, 1804	Mar 3, 1897	4215	20	Aug 7, 1848	
4166	38	Mar 2, 1803		4216	20	June 29, 1870	Feb 5, 1897
4167	40	Dec. 31, 1792		4217	20	do	Feb 14, 1903
4168	40	..do ..		4218	20	.. do ...	
4169	41	....do ..		4219	140	July 20, 1790	June 26, 1884
4170	38	..do .	July 5, 1884		142	Apr 27, 1816	June 19, 1886
4171	38	..do .	Do			Jan 14, 1817	Apr 4, 1888
4172	40	..do ..				Mar 1, 1817	Feb 5, 1897
4173	154	..do ..				Mar 8, 1817	July 24, 1897
4174	41	do	Do			May 31, 1830	Apr 30, 1900
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4221	141	Mar 3, 1869		4303	410	do ..	
4222	144	July 20, 1868		4304	411	do ..	
4225	143	Mar 27, 1864		4305	411	Dec 31, 1792	
4226	143	Mar 3, 1865		4306	156	June 1, 1796	
	154	.. do .				Feb 12, 1831	
4227	140	Apr 27, 1816		4307	156	June 1, 1796	
		Jan 14, 1817		4308	156	Mar 2, 1803	
4228	141	May 24, 1828	Do	4309	156	Feb 28, 1803	
		May 31, 1830		4310	156	do ...	
		July 18, 1832		4311	18	Feb 18, 1793	
4229	142	May 24, 1828		4312	43	do	
4230	142	do .		4313	46	Mar 3, 1825	
4231	142	Mar 1, 1869		4314	46	do .	June 24, 1902
4232	141	May 28, 1864		4315	46	do .	
4233	392	Apr 29, 1864	June 19, 1886 Mar 3, 1893 Feb 8, 1895 Mar 3, 1897	4316	18	Mar 12, 1812	
				4317	18	.. do ..	
4235	138	Aug 7, 1789		4318	18	June 17, 1864	
4236	138	Mar 2, 1837		4319	44	Feb 18, 1793	Jan 16, 1895
4237	138	July 13, 1866				July 29, 1850	
4238	307	Apr 14, 1792		4320	43	Feb 18, 1793	Do Feb 14, 1903
4239	308	Mar 3, 1825					Jan 16, 1895
4240	308	do		4321	44	.. do .	
4241	308	Feb 23, 1847				May 24, 1828	
4250	57	Apr 9, 1872		4322	43	Feb 18, 1793	
4251	76	July 20, 1846		4323	43	do .	July 5, 1884
4278	133	July 3, 1866					Jan 16, 1895
4279	133	.. do .		4324	45	do .	
4280	134	. do ..		4325	45	Feb 18, 1793	
4281	103	Feb 28, 1871		4326	46	do	
4282	103	Mar 3, 1851		4327	46	do ..	
4283	103	do				July 18, 1866	
4284	104	.. do		4328	47	Feb 28, 1865	Apr 17, 1874 Jan 16, 1895
4285	104	. do					July 5, 1884
4286	104	. do		4329	47	Mar 2, 1797	
4287	104	. do		4330	321	July 18, 1866	
4288	104	. do ..	June 26, 1884 June 19, 1886	4331	19	Feb 18, 1793	
			Do			May 6, 1864	
4289	105	do	Feb 14, 1900	4332	47	Feb 18, 1793	
4290	101	June 7, 1872		4333	45	do ..	Do
4291	102	. do		4334	47	do ..	
4292	102	do		4335	49	do	
4293	419	Mar. 3, 1819		4336	153	.. do ..	
		Jan 30, 1823		4337	153	do ..	
4294	419	Mar. 3, 1819		4338	153	do ..	
		Jan 30, 1823		4339	18	Apr 4, 1840	
4295	419	Mar 3, 1819		4340	48	Feb. 25, 1865	
		Jan 30, 1823		4341	48	Feb 28, 1867	
4296	419	Mar 3, 1819		4342	48	Mar. 3, 1849	
		Jan 30, 1823		4343	48	.. do ..	
		Aug 6, 1861		4344	48	Feb 11, 1830	Feb 14, 1903
4297	420	Aug 5, 1861		4345	48	Jan 26, 1848	Do
						Aug 31, 1852	
4298	420	.. do ....		4346	48	Feb 11, 1830	
4299	420	do		4347	322	Mar 1, 1817	Mar 3, 1883
4300	410	June 11, 1864				Mar 3, 1873	June 19, 1886 Feb 15, 1893 Feb 17, 1898
4301	410	.. do .					

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4349	226	Feb 18, 1793 Mar 2, 1819		4402	444	do	
4350	227	Feb 18, 1793	July 12, 1876	4403	444	do	Feb 14, 1903
4351	227	do	Do	4404	444	do	Do
4352	228	Mar 2, 1819		4405	445	do	Do
4353	228	Feb 18, 1793	Do	4406	125	do	
4354	228	do ..	Do	4407	126	do	Do
4355	229	do ..	Do	4408	445	do	
4356	230	do	Do	4409	445	do	
4357	231	Mar 2, 1819		4410	445	do	
4358	247	Feb 18, 1793	Do	4411	446	do	
4359	230	Mar 2, 1819		4412	367	do	Aug 19, 1890 Feb 8, 1895 June 7, 1897
4360	231	Feb 18, 1793		4413	367	do	Do
4361	231	do		4414	446	do	Mar 1, 1895 Mar 2, 1895 Feb 16, 1897 Apr 21, 1898 Feb 14, 1903
4362	187	do		4415	447	Feb 28, 1871	Jan 16, 1883 Feb 14, 1903
4363	188	do		4416	448	do	
4364	188	do		4417	95	do	Dec 21, 1898
4365	184	do		4418	112	Feb 28, 1871	June 13, 1886
4366	232	do		4419	113	do	
4367	232	do		4420	113	Dec 17, 1872 Jan 6, 1874	
4368	233	do		4421	124	Feb 28, 1871	
4369	233	do		4422	120	do	
4370	233	July 18, 1866 Feb 23, 1867	June 19, 1886	4423	125	do	
4371	234	Feb 18, 1793		4424	125	do	
4372	51	do		4425	449	do	
4373	52	do		4426	109	do	June 25, 1890 Dec 22, 1890 Jan 18, 1897 Mar 8, 1897 June 7, 1897
4374	52	do		4427	110	do	
4375	52	do		4428	113	do	
4376	52	do		4429	113	do	Aug 7, 1882 Feb 14, 1903
4377	234	do		4430	114	do	Jan 22, 1894 Feb 14, 1903
4378	234	Apr 2, 1886		4431	114	do	
4379	234	Feb 18, 1793		4432	115	do	
4380	234	do		4433	115	do	
4381	44	July 18, 1866	Do	4434	115	do	Feb 11, 1885 Feb 28, 1895 Feb 14, 1903
4382	19	Feb. 18, 1793		4435	116	do	
4383	320	Mar 3, 1873		4436	116	do	
4384	320	do		4437	116	do	
4385	320	do		4438	54	do	Dec 21, 1898
4386	320	do		4439	54	do	Do
4387	320	do		4440	55	do	Do
4388	320	do		4441	55	do	May 28, 1896
4389	320	do		4442	56	do	Do
4390	320	do					
4391	68	June 19, 1813 Mar 3, 1865					
4392	69	June 19, 1813					
4393	69	do					
4394	70	do					
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4445	56	...do...		4498	109	do	
4446	54	do		4499	127	.. do	
4447	126	do		4500	127	do	
4448	126	do		4501	436	June 7, 1872	June 26, 1884 June 19, 1886 Feb 14, 1903
4449	126	.. do					
4450	126	.. do		4502	437	.. do	
4452	110	.. do		4503	60	do	
4453	110	.. do		4504	60	June 7, 1872 June 15, 1873	
4454	111	.. do		4505	437	June 7, 1872	Jan 16, 1883 June 25, 1884 June 19, 1886
4455	448	do					
4456	449	.. do		4506	437	.. do	
4457	449	.. do		4507	438	.. do	Mar. 3, 1897 Feb 14, 1903
4459	448	do	Feb 14, 1903				
4460	448	.. do	Do	4508	59	.. do	
4461	448	.. do	June 19, 1886 Feb 14, 1903	4509	61	.. do	
			Do	4510	61	.. do	
4462	448	.. do		4511	61	.. do	June 26, 1884 Mar 8, 1897 Dec 21, 1898 Feb 14, 1903
4483	111	do					
4464	123	do		4512	62	June 7, 1872	
4465	123	.. do	July 9, 1886 Feb 28, 1901	4513	62	June 7, 1872	June 19, 1886 Feb 18, 1895
4466	124	do					
4467	124	do		4514	63	.. do	
4468	124	do		4515	63	do	
4469	124	.. do		4516	64	.. do	Dec 21, 1898
4470	119	.. do		4517	64	do	
4471	119	.. do		4518	64	.. do	June 26, 1884 Mar 8, 1897
4472	121	do	Feb 14, 1903				
4473	122	do		4519	63	.. do	
4474	122	do	Oct 18, 1888 Feb 14, 1903	4520	67	July 20, 1790 June 7, 1872	
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4475	122	.. do		4522	68	do	Dec 21, 1898
4476	122	do		4523	60	July 20, 1840 June 7, 1872	
4477	120	.. do					
4478	120	.. do		4524	73	.. do	
4479	120	.. do		4525	73	.. do	
4480	119	.. do		4526	73	.. do	Do
4481	117	.. do		4527	74	do	
4482	117	.. do		4528	74	.. do	
4483	120	do		4529	74	July 20, 1790 June 7, 1872	Do
4484	118	.. do					
4485	118	do		4530	74	July 20, 1790	Do
4486	118	.. do		4535	72	June 7, 1872	
4487	367	.. do		4536	77	.. do	Feb 18, 1895
4488	117	.. do	Mar 2, 1889 Apr 11, 1892	4537	78	July 20, 1790	
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4489	118	.. do		4539	81	.. do	
			July 9, 1886 Feb. 14, 1903	4540	82	.. do	
4490	116	.. do		4541	82	.. do	Mar 8, 1897
4491	111	.. do		4542	82	.. do	Do.
4492	120	.. do		4543	82	.. do	
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